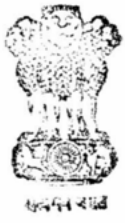
LOK SABHA DEBATES

Second Series

Volume II, 1957

(23rd May to 31st May, 1957)



FIRST SESSION, 1957

(Vol. II contains Nos. 11 to 17)

LOK SABHA SECRETARIAT
NEW DELHI

CONTENTS

[*Second Series, Vol. II, dated 23rd to 31st May, 1957*]

No. 11—*Thursday, 23rd May, 1957.* COLUMNS.

Oral Answers to Questions—
Starred Questions Nos. 281 to 288, 290 to 295, 315, 318, 296 to 298 and 300 to 304 1585—1625
Short Notice Questions Nos. 5 and 6 . . . . . 1625—31
Written Answers to Questions—
Starred Questions Nos. 289, 305 to 314, 316, 317 and 319 to 325 . . . 1631—40
Unstarred Questions Nos. 170 to 203 and 205 to 208 . . . . . 1640—63
Paper laid on the Table 1663
Railway Budget—General Discussion . . . . . 1663—1811
Business Advisory Committee—
First Report 1811-12
Daily Digest . . . . . 1813—16

No. 12—*Friday, 24th May, 1957.*

Oral Answers to Questions—
Starred Questions Nos. 326, 328 to 333, 358, 334 to 336, 338 to 344, 349 and 345 . 1817—50
Written Answers to Questions—
Starred Questions Nos. 327, 337, 338, 348, 350 to 357, 360 to 366, 368, 367 and 369 to 374 . . . . . 1850—64
Unstarred Questions Nos. 209 to 223 and 226 to 240 . . . . . 1864—81
Papers laid on the Table 1881-82
Message from Rajya Sabha 1882
Copyright Bill—
Laid on the Table as passed by Rajya-Sabha 1882
Business of the House—
Election to Committees—
Central Silk Board 1883
Indian Central Sugarcane Committee 1884
Indian Central Jute Committee 1884-85
Indian Central Coconut Committee 1885
Employees' State Insurance Corporation 1885-86
Estimates Committee 1886
Public Accounts Committee 1886-87
Motion *re* association of Members of Rajya Sabha with P.A.C. . . . 1887
Motion *re* First Report of Business Advisory Committee . . . 1888—90
Life Insurance Corporation (Amendment) Bill . . . . . 1890—1999
Motion to consider 1890
Clauses 2 to 7 and 1 . . . . . 1994—97
Motion to pass, as amended 1997
Salaries and Allowances of Members of Parliament (Amendment) Bill—
Introduced 1974
Nationalisation of Light Railway Bill—
Introduced 1974
Central Government Servants (Option for Joining Contributory Health Service Scheme) Bill—
Introduced 1975
Indian Penal Code (Amendment) Bill—
Introduced 1975
Reserve Bank of India (Amendment) Bill and State Bank of India (Amendment) Bill—
Motions to consider . . . . . 1999—2036
Daily Digest . . . . . 2037—42

No. 13—*Monday, 27th May, 1957.*

Oral Answers to Questions—
Starred Questions Nos. 375 to 379, 381 to 384, 412 and 385 to 395. . . 2043—79
Short Notice Question No. 7 . . . . . 2080—82
Written Answers to Questions—
Starred Questions Nos. 396 to 401, 403 to 410 and 413 to 435 . . . 2082—2102
Unstarred Questions Nos. 241 to 276 . . . . . 2102—23
Papers laid on the Table . . . . . 2123—25

COLUMNS

Message from Rajya Sabha 2125
Arrest of a Member 2125
Statement *re* accident at the Coronation Pillar Sewage Treatment Plant . . . 2125—29
Reserve Bank of India (Amendment) Bill . . . . . 2129—39
Motion to consider 2129
Clauses 2 to 5 and 1 . . . . . 2138—39
Motion to pass 2138
State Bank of India (Amendment) Bill . . . . . 2129—39
Motion to consider 2129
Clauses 2 to 5 and 1 . . . . . 2138—39
Motion to pass as amended 2139
Demands for Excess Grants, 1953-54 . . . . . 2139—48
Central Sales Tax (Amendment) Bill . . . . . 2148—66
Motion to consider 2148
Copyright Bill . . . . . 2167—2222
Motion to consider as passed by Rajya Sabha 2167
Daily Digest . . . . . 2223—28

No. 14—*Tuesday, 28th May,* 1957.

Member Sworn 2229
Oral Answers to Questions—
Starred Questions Nos. 437 to 456, 458, 459, 461 and 462 . . . . . 2229—65
Written Answers to Questions—
Starred Questions Nos. 436, 457, 460, 463 to 468, 470 to 487, 489 to 491, 493 to 522 and 524 to 528 . . . . . 2265—98
Unstarred Questions Nos. 277 to 279 and 281 to 378 . . . . . 2298—2359
Paper laid on the Table 2362
Appropriation (No. 3) Bill—
Introduced 2362
Central Sales Tax (Amendment) Bill . . . . . 2362—68
Clauses 4 and 1 . . . . . 2367—68
Motion to pass as amended 2368
General Budget—General Discussion . . . . . 2368—2524
Daily Digest . . . . . 2525—32

No. 15—*Wednesday, 29th May,* 1957.

Oral Answers to Questions—
Starred Questions Nos. 530 to 534, 536 to 546 and 548 to 553 . . . . . 2533—70
Written Answers to Questions—
Starred Questions Nos. 529, 535, 547, 554 to 560, 560-A, 561 to 574, 574-A, 575, 577, 578, 578-A, 579 to 595, 595-A, 596 to 598, 598-A, 598-B, 599 to 601, 603, 604, 604 A, 605 to 609, 609-A, 410 to 612 and 614 to 616 . . . . . 2570—2605
Unstarred Questions Nos. 379 to 423, 425 to 450, 450-A and 451 to 462 . . . . . 2605—52
Question of Privilege . . . . . 2652—58
Papers laid on the Table . . . . . 2658—60
Calling Attention to Matter of Urgent Public Importance—
Situation resulting from stoppage of call at Malvan by Bombay Steam Navigation Company . . . . . 2660—63
Correction of Answer to Unstarred Question . . . . . 2663—64
Appropriaton (No. 3) Bill . . . . . 2663—64
Motion to consider . . . . . 2664—67
Clauses 2, 3 and 1 2664
Motion to pass 2667
General Budget—General Discussion 2667
Daily Digest . . . . . 2668—2834 2835—42

No. 16—*Thursday, 30th May,* 1957.

Oral Answers to Questions—
Starred Questions Nos. 617, 619 to 623, 625 to 628, 630, 658-A, 631 to 634, 636, 637, 639 to 642 and 645 to 649 . . . . . 2843—82
Short Notice Questions Nos. 8 to 10 . . . . . 2883—87
Written Answers to Questions—
Starred Questions Nos. 624, 629, 635, 638, 643, 644, 650 to 673, 673-A, 674 to 677 2887—2906
Unstarred Questions Nos. 643 to 694 . . . . . 2906—25
Essential Commodities (Amendment) Bill—
Introduced . . . . . 2925—32
Papers laid on the Table . . . . . 2932—33
Message from Rajya Sabha . . . . . 2932—33

	COLUMNS
Re Parliamentary Consultative Committees	2934
General Budget—General Discussion	2934—3072, 3073—90
Business Advisory Committee—	
Second Report	3072—73
Daily Digest	3091—96

No. 17— *Friday, 31st May,* 1957.

Oral Answers to Questions—	
Starred Questions* Nos. 678, 677-A, 681, 682, 684, 686 to 691, 693, 695, 696, 698 to 702 and 743	3097—3133
Short Notice Questions Nos. 11 to 16	3134—43
Written Answers to Questions—	
Starred Questions Nos. 680, 683, 685, 692, 694, 697, 703 to 706, 706-A, 708 to 721, 723, 724, 724-A, 725 to 727, 729 to 734, 734-A and 736 to 742	3144—67
Unstarred Questions Nos. 495 to 508, 510 to 527, 727-A, 528 to 532, 532-A and 533 to 559	3167—3202
Death of Shri Prabhakaran Thampan	3203
Motion for adjournment—	
Satyagraha Campaign in Chandigarh	3203—05
Papers laid on the Table	3205—06
Messages from Rajya Sabha	3207—08
Petitions	3208
Business Advisory Committee—	
Second Report	3208
Calling attention to matters of urgent public importance—	
1. Low income group housing scheme in U.P.	3209—11
2. Closing down of Sayaji Jubile Cotton and Jute Mills, Sidhpur, Gujarat	3211—12
3. Proposed strike by P & T Employees	3213
4. Non-acceptance of salary by workers of No. 2 Wing, I. A. F. Station, Poona	3213—15
5. Refusal by Delhi Administration of offer of T. B. Association to construct a hall	3215—16
Arrest of two Members and conviction of a Member	3216—17
Navy Bill—Introduced	3217
General Budget—General Discussion	3217—48
Essential Commodities (Amendment) Bill	3248—3354
Motion to consider	3248
Clauses 2 and 1	3314—51
Motion to pass	3351
Daily Digest	3355—62
Resume of the Session	3363—64
Index	(1—131

N.B.—The sign + above a name of a Member on Questions, which were orally answered indicates that the Question was actually asked on the floor of the House by that Member.

LOK SABHA

Monday, 27th May, 1957

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair.*]

ORAL ANSWERS TO QUESTIONS

Cotton Shortage

†

*375 **Shrimati Tarkeshwari Sinha:**
Shri Bibhuti Mishra:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the steps Government are taking to meet the shortage of cotton in the country; and

(b) the expected shortage in the year 1957-58?

The Minister of Commerce (Shri Kanungo): (a) and (b). A statement is laid on the Table of Lok Sabha. [*See* Appendix III, annexure No. 1.]

Shrimati Tarkeshwari Sinha: May I know whether this shortage has been due to the shortfall in the production of cotton or whether it is due to the peak that has been reached in the off-take of cotton by the mills?

Shri Kanungo: There is not very great shortage as it is. But the small shortage is due both to the higher intake of cotton by the mills and to the bad weather conditions, resulting in the fall in production.

Shrimati Tarkeshwari Sinha: May I know how much cotton was imported —I mean raw cotton—from the U.S.A. under the U.S. Agricultural Surplus Commodities Act Programme, and whether any additional cotton is

expected to be imported from U.S.A. under the International Co-operation Administration programme?

Shri Kanungo: We expect to import on the whole, 160,000 bales under the P.L. programme of the United States. We may not require the whole of it. In any case, we do not propose to import any additional cotton from the U.S.A.

श्री विभूति मिश्र : क्या यह सही है कि कॉटन की मिलिंग प्राइस को सरकार बढ़ाने जा रही है।

श्री कानूनगो : जी नहीं, कोई जरूरत नहीं है।

Shrimati Tarkeshwari Sinha: May I know whether it is a fact that an Egyptian delegation recently visited this country and negotiated a deal in regard to the export of raw cotton to India and whether that negotiation fell out, because the Egyptian exporters asked a very high price for the cotton?

Shri Kanungo: The Egyptian delegation came along to discuss various other trade proposals. We are one of the traditional buyers of Egyptian cotton which is interchangeable with Sudan. The numbers vary; at the moment, we hope to buy a little more of Egyptian cotton next year.

Nuclear Tests

†

*376 **Shri H. C. Mathur:**
Shri Sadhan Gupta:
Shri Bharucha:
Shri Bibhuti Mishra:

Will the **Prime Minister** be pleased to lay on the Table a statement showing the details of Nuclear Test explosions held from September, 1956

to date, the places where the tests were held, the country by which they were made, and the fall-out and the radioactive effects recorded in respect of each of these tests?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Government have no precise information on this subject as there are no instruments which instantaneously record nuclear and thermo-nuclear test explosions as is the case with earthquakes. The radioactive fall-out from these test explosions is, however, being measured continuously in Bombay, and although investigations made so far show that the natural radiation level has increased due to fall-out of fission products from the nuclear explosions, the radioactivity reported so far is still much below danger level.

Shri H. C. Mathur: May I know whether this question was discussed with the Prime Minister of Japan and whether any agreement has been reached for some joint effort or action in this matter to prevent explosions of this kind?

Shri Jawaharlal Nehru: This question, Sir, relates to the measurement of the fall-out. Well, this question was not discussed, but, as the hon. Member might know, in the joint statement issued on behalf of the Prime Minister of Japan and me, very clear reference was made to the desirability of putting an end to these test explosions.

Shri Sadhan Gupta: May I know whether any protest has been sent to Britain about the Christmas Island test to be held shortly in view of the fact that these tests might cause very grave danger to our country?

Mr. Speaker: That is a different question altogether. Only the nature of explosions, their effect, etc., may be asked. I think they have been recorded.

Shri Sadhan Gupta: I had sent notice of a question on this very subject and it was disallowed on the ground that notice of this question had been received.

Mr. Speaker: Anyhow, the hon. Member will confine himself to this question.

Shri Hem Barua: I also wanted to ask whether the Government considered the nuclear test in the Christmas Island as a violation of international conduct and if so, whether the Government wanted to bring it to the knowledge of the U.N.O. for appropriate action. That was what was racking our minds.

Shri Jawaharlal Nehru: The Government of India and those connected with the Government of India have expressed themselves repeatedly and forcibly and, in fact, something more than the Government of India, this hon. House has expressed itself very forcibly, about these matters. There can be no stronger evidence of the strong feeling in India than the unanimous resolution of this House and, in fact, of the Rajya Sabha also. There is no doubt about it. If the hon. Member wants to know if we sent a formal protest to the United Kingdom Government, we have not and we do not propose to do so. We have, of course, discussed these matters informally and informed them about our views on several occasions. But, we have not sent any particular special protest on this occasion. As for reference to the United Nations, a special body of the United Nations called the Disarmament Conference, a sub-committee thereof, is considering this. We have placed our viewpoint in the long note which, if the hon. Member wants, is available to him; it is printed and published and it specifically deals with these points.

Shri B. S. Murthy: May I know what steps have been taken to watch the explosions and also to measure the radio-active effect? A similar question was put last year by me and the hon. Prime Minister was pleased to state that steps are being taken.

Shri Jawaharlal Nehru: My answer says that a very careful watch is kept in Bombay especially, and, as a matter of fact, there are at least half a dozen other places in India where also this record is kept. I believe there are a number of universities, apart from these, which also keep these records.

Jute Mills in Bihar

***377. Shri L. N. Mishra:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the Government of Bihar has asked for the provisions of some jute mills in Bihar;

(b) if so, the reaction of the Union Government to the proposal; and

(c) the number of jute mills proposed to be provided in Bihar and their location?

The Minister of Commerce (Shri Kanungo): (a) The Government have not received any such request from the Government of Bihar.

(b) and (c). In view of (a) above parts (b) and (c) do not arise.

Shri L. N. Mishra: May I know whether they have made any request as regards the expansion and modernisation of the existing plant in Bihar.

Shri Kanungo: No, Sir; there is no chance of it, because the hon. Member knows that the Jute Enquiry Commission have recommended that we have got much more surplus capacity than the demand for jute products.

Shri L. N. Mishra: In view of the provision made in the second Five Year Plan to have a plant in Assam, may I know whether any step has been taken in that direction?

Shri Kanungo: Not much of a step has been taken. The licences have been granted, but not much of progress has been made.

श्री विभूति मिश्र : क्या माननीय मंत्री मालूम है कि उत्तर बिहार में बहुत ज्यादा ज्यूट की खेती होती है और वहां के किसानों को ज्यूट को कलकत्ता भेजने में बहुत दिक्कत होती है ? इस चीज को देखते हुए क्या सरकार उत्तर बिहार में कोई ज्यूट मिल स्थापित करने की किसी योजना पर विचार कर रही है ?

श्री कानूनगो : मैं ने अभी कहा है कि नई ज्यूट मिल स्थापित करने का कोई प्रस्ताव नहीं है और जो स्थिति है वह कमिशन की रिपोर्ट देखने से माननीय सदस्य को मालूम हो जायेगी ।

Shri Ranga: I also understand that India is self-sufficient in jute production. Does it mean that India will not be able to export jute products any more?

Shri Kanungo: India has to export 80 per cent. of its production. But we have got surplus capacity more than what is required.

Shrimati Tarkeshwari Sinha: May I know the reason for the decision of the Government not to have any expansion of the jute industry programme in the coming future? Is it because the American demand for jute has fallen or because world demand for Indian jute has fallen?

The Minister of Commerce and Industry (Shri Morarji Desai): The existing capacity of the mills is more than what is required and what can be exported. If you want to sell more, these mills can produce even more than the present production. Therefore, there is no question of any expansion.

Compensation to Displaced Persons

***378. Shri D. C. Sharma:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) the number of persons who have been paid compensation out of the claimants from West Pakistan who applied for the same during the period from the 1st of November, 1956 to the end of April, 1957; and

(b) the number of applications that are still pending?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) and (b). The last date for receiving applications for payment of compensation to displaced persons from West Pakistan was the 26th September, 1955. Only those cases in which delays were condoned were entertained after that date. The number of such cases entertained after condonation of delay during the period from 1st November, 1956 to 28th February, 1957 was 2,467 (excluding Jullundur and Patiala Regions). The figures for the months of March and April, 1957 are not available at present. The number of persons paid compensation out of those applications is not known.

Shri D. C. Sharma: May I know to what degree the payment of compensation has been stepped up as a result of the steps taken by the Rehabilitation Ministry lately?

Shri Mehr Chand Khanna: We are out of the teething period, and payment of compensation has gone up appreciably. Our average is 10,000 cases each month. And up to now, I mean till the end of April, we have paid compensation to the extent of Rs. 56,23,00,000. The number of cases disposed of is about 1,80,000. Among the other cases, in 14,000 cases admissible certificates have been issued and in 5,000 cases loans have been granted.

Shri D. C. Sharma: May I know by what date the Ministry hopes to come to an end so far as this matter of compensation is concerned?

Shri Mehr Chand Khanna: We have paid compensation, as I was saying, to about 2 lakhs persons. The number of persons who have applied is about 5 lakhs. To the priority categories I am hoping that compensation shall be paid up by the end of the financial year. As regards the realisation of dues—rents, public dues, adjustment and all that—, I wish some hon. Members could help me in realising those dues from the displaced persons, so that money could be paid to the others.

Shri D. C. Sharma: May I know how much dues are outstanding against these displaced persons?

Shri Mehr Chand Khanna: The entire amount of Rs. 185 crores is outstanding—that is, Rs. 100 crores in evacuee property which is in kind, another Rs. 55 crores of Government built property is again in kind, and about Rs. 30 crores are in the shape of loans, and another Rs. 5 crores in the shape of rents. Short of it is due from the displaced persons.

लाला अचित राम : क्या माननीय मंत्री यह बताने की कृपा करेंगे कि जो विडो क्लेमेंट्स हैं उनको मुआविजा अदा करने की आखिरी तारीख क्या तय हुई है और अभी कितनी विडोज ऐसी हैं जिनके कि केसेज पेंडिंग हैं ?

श्री मेहर चन्द खन्ना : जहां तक विडोज का ताल्लुक है पहले सन् १९५३ तक की दरख्वास्तें मंगाई गई थी उसके बाद फिर एक कैटेगरी और बनाई गई "सबसिक्वेंट विडोज" की और उसके लिये ३१ जनवरी सन् १९५७ तक हमने डेट एक्सटेंड की और हमने एप्लीकेशंस मंगाई । जो बहनें हमारी पहली दो कैटेगरीज में आती हैं उनको तो तकरीबन सबको पेमेंट हो चुका है। जो आखिरी कैटेगरी में हैं उनमें से थोड़ी सी बाकी हैं और जितनी जल्दी हो सकेगा उन बदकिस्मत बहनों को मुआविजा देने की कोशिश की जायेगी ।

लाला अचित राम : उन की कितनी तादाद होगी ?

श्री मेहर चन्द खन्ना : उनके मुताल्लिक मेरे पास अभी फीगर्स नहीं हैं लेकिन वह तादाद ज्यादा नहीं हो सकती ।

Eisenhower Plan

†

*379. **Shri Sadhan Gupta:**
Shri Anthony Pillai:
Shri Raghunath Singh:

Will the **Prime Minister** be pleased to state:

(a) whether Government are aware that Pakistan has been officially informed by the United States that the Eisenhower plan covers that country; and

(b) if so, whether the application of the plan to Pakistan poses a threat to the security of our country?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) Government of India have no information whether Pakistan has been officially informed by the United States Government that the Eisenhower Plan for the Middle East covers that country. However, according to Press reports, the Pakistan Government have endorsed the Plan.

(b) Government of India have no information what assistance will be given to Pakistan under the Eisenhower Plan. But any assistance which increases Pakistan's military potential is bound to have repercussions on India's security arrangements.

Shri Sadhan Gupta: May I know if the attention of Government has been drawn to Press reports published in this country that Pakistan has been officially informed that the Eisenhower Plan covers that country and, as a consequence, Pakistan is entitled to ask for and obtain more military assistance, apart from economic assistance; if so, whether any enquiries have been made from the United States Government in this respect?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The answer to the original question itself, which was read out, referred to Press reports. We do not know, apart from Press reports, what is being done. But we do know that a representative of the United States Government was there some weeks ago and it appeared that Pakistan has accepted this.

As for the second part of the hon. Member's question—what was it?

Mr. Speaker: Whether the matter has been taken up with the United States Government.

Shri Jawaharlal Nehru: These matters have been frequently, at several times, discussed with the United States Government—not this particular matter, but the whole context of military aid being given to the Pakistan Government.

Shri Sadhan Gupta: While the Prime Minister was in the United States, did the matter of rendering military aid to Pakistan under the Eisenhower Plan come up for discussion and if so, what was the nature of the discussion on this matter?

Shri Jawaharlal Nehru: When I went to the United States, there was no Eisenhower Plan at that time.

Shri Anthony Pillai: May I know whether there was any consultation with the Bandung Powers with a view to lodge a formal protest against the Eisenhower Plan?

Shri Jawaharlal Nehru: No, Sir. It is not for us to protest against any Government statement or activity. When it affects us in any sense, then we express our views about it.

Shri Shree Narayan Das: May I know whether any precise information is available with the Government of India as to the extent of the Eisenhower doctrine or plan has been accepted in the Middle East and North African countries and to what extent they have been not accepted?

Shri Jawaharlal Nehru: I think it is public information in the press as to what countries in Western Asia have approved of that doctrine or accepted it and what have not. There is nothing specially secret about it.

Glass Industry

*381. **Shri Bishwanath Roy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether India makes any export of glass products;

(b) whether any proposal is under consideration of Government for encouraging their export; and

(c) what steps have been taken for the expansion of glass industry?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir. India's annual export of glass and glassware average about Rs. 25 lakhs;

(b) Yes, Sir. An Export Promotion Council is being set up by the Government to stimulate the export trade, among other things, in glass and glassware and ceramics and refractories.

(c) No major expansion of the glass industry is envisaged during the Second Plan period. The industry has a large surplus capacity and efforts are being made to utilise this for manufacturing new items and products of better quality. Efforts are also being made to diversify production as to cope up with all our requirements.

Shri Bishwanath Roy: May I know whether the export increased last year in relation to the year before that?

Shri Manubhai Shah: Yes, Sir. It increased by Rs. 3·2 lakhs.

Shri Bishwanath Roy: May I know the value of the glass products that were exported last year?

Shri Manubhai Shah: It was Rs. 25·7 lakhs in 1954-55 and Rs. 28·98 lakhs in 1955-56.

Shri Damani: What is the quantity of glass products that we are importing?

Shri Manubhai Shah: The imports were Rs. 169 lakhs last year.

Mr. Speaker: These are published every year.

Shri Damani: .....are the Government trying to manufacture those things which we are importing?

Mr. Speaker: Each question consisting of two or three parts.

Shri Manubhai Shah: I have already answered. Rs. 169 lakhs.

Shri Heda: Have the Government investigated the prospects of exporting glass sheets and if so, how do they feel about it?

Shri Manubhai Shah: In my answer it has already been covered that various types of glass like safety glass, glass blocks, and glass sheets have a great potentiality for export. Exports are steadily rising and we hope to increase the exports continuously.

Shrimati Tarkeshwari Sinha: May I have any information as to what happened to the Sodepur Glass Works which the Japanese have taken over, when it is likely to go into full production and what will be the total production?

Shri Manubhai Shah: That does not arise out of the question. However, I may say for the information of the hon. Member that the particular factory is about to start. Details have been finalised with the Japanese. Almost 40 per cent. of our sheet glass production in this country is the capacity of this factory.

Shri Braj Raj Singh: May I know whether there is a proposal with the Government of India to start a gas plant at Firozabad and if so, what progress has been made?

Shri Manubhai Shah: Gas plant?

Shri Braj Raj Singh: For the development of bangle industry.

Shri Manubhai Shah: Assistance for the bangle industry is being given by the Small-scale and Cottage Industries Board, on a wide scale. There is no centralised plan for that. However, we want to generate gas in small units so that the glass may be melted for making bangles in the cottage and Small-scale sector.

Shri Tangamani: May I know if steps are being taken for reopening the glass factories which are closed, particularly the one at Mettupalayam?

Shri Manubhai Shah: I answered this question last week here stating that as far as possible we try to reopen those factories which have good machinery and which have potentiality of producing things at economic rates. There have been more than five or six glass factories closed, but infantile mortality in industry cannot be altogether ruled out. These are very old factories neither fit for reopening, nor are they profitable or beneficial to the country.

Training of Indian Scientists

***382. Shri Radha Raman:** Will the **Prime Minister** be pleased to state:

(a) whether any Indian Scientists are receiving training in the use of atomic energy for peaceful purposes or in the operation of Atomic reactor in foreign countries;

(b) if so, the number and names of the countries in which they are being trained;

(c) the schemes under which they are being trained; and

(d) the period of their training?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) to (d). A statement giving the required information is laid on the Table of Lok Sabha. [*See* appendix III, annexure No. 2.]

Shri Radha Raman: May I know whether any of these countries mentioned in the statement have granted any scholarship to the trainees who are in those countries?

Shri Jawaharlal Nehru: As the hon. Member will see, most of these trainees have gone to Canada. This is in terms of the agreement arrived at with the Canadian Government for what is called the Canada-India reactor which is being constructed at Trombay. All these people have gone there, and I believe the terms are that the Canadian Government pays for them, their training etc., and the Government of India pays their salaries.

So far as the others are concerned, in the case of three persons who have gone to the United States for technical training in the construction and operation of research reactors, it is paid for by the Technical Co-operation Administration, not by the Government of India. So far as the trainees who have gone to Harwell in the U.K. are concerned, the Government of India pays for it.

Shri Radha Raman: May I know whether the Government contemplates to send some persons for training in the U.S.S.R. in future, and if that Government has offered assistance in this matter?

Shri Jawaharlal Nehru: When necessity arises, we shall certainly send people there for training, but these are in connection with the reactors we are building up, and that is necessarily associated chiefly with Canada.

उत्तर प्रदेश में भारी उद्योगों का विकास

*३८३. { श्री भक्त दर्शन :
श्री रघुनाथ सिंह :

क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर प्रदेश में इस बात से काफी असंतोष फैला हुआ है कि उत्तर प्रदेश में द्वितीय पंचवर्षीय योजना के अन्तर्गत भारी उद्योगों के विकास के लिये कोई उपबन्ध नहीं किया गया है ;

(ख) क्या सरकार को उत्तर प्रदेश विधान परिषद् द्वारा हाल ही में सर्व-सम्मति से स्वीकृत उपरोक्त आशय के संकल्प की प्रति प्राप्त हुई है ; और

(ग) यदि हां, तो इस सम्बन्ध में क्या विशेष कार्यवाही की जा रही है ?

योजना उपमंत्री (श्री दया० नं० मिश्र): (क) उत्तर प्रदेश में अन्य राज्यों की तरह,

द्वितीय पंच-वर्षीय योजना के अन्तर्गत (उन क्षेत्रों में) भारती उद्योगों के लिये थोड़े रकम की व्यवस्था होने के कारण जो असन्तोष है, उसकी केन्द्रीय सरकार को जानकारी है । उत्तर प्रदेश की द्वितीय पंच-वर्षीय योजना में बड़े और मध्य श्रेणी के उद्योगों के लिये ४६६ लाख रुपयों की व्यवस्था है, इसमें से कुछ रकम भारी उद्योगों के विस्तार के लिये लगाई जायेगी ।

(ख) योजना कमीशन में इस तरह का कोई संकल्प नहीं आया है । किन्तु एक सामान्य रूप का संकल्प योजना कमीशन के पास भेजा गया है ।

(ग) यह प्रश्न ही नहीं उठता । फिर भी, साधनों की सुलभता और स्थान का विचार करते हुए उत्तर-प्रदेश में नये भारी उद्योगों के विकास के लिये हर तरह का प्रयत्न किया जायेगा ।

श्री भक्त दर्शन : क्या गवर्नमेंट के ध्यान में यह बात आई है कि उत्तर प्रदेश की विशाल जनसंख्या और उस के क्षेत्रफल को देखते हुए भारी उद्योगों के लिये जो रकम रखी गई है वह बहुत ही अपर्याप्त है, और क्या मैं यह जान सकता हूं कि यह अन्याय उस के साथ क्यों किया गया है ?

श्री ज्या० नं० मिश्र : जनसंख्या के अनुपात में कम रकम देने की जो बात कही जाती है, वह अन्य राज्यों में कुछ उसी तरह से है । लेकिन यह बात ठीक है कि उत्तर प्रदेश की जनसंख्या और जो प्राविजन उस के लिये किया गया है, इन दोनों के अनुपात में कुछ ज्यादा कमी हो सकती है । जहां तक केन्द्रीय सरकार के उद्योगों का सवाल है बड़े बड़े उद्योगों के लिये उत्तर प्रदेश में कुछ कम तादाद में व्यवस्था हुई है। लेकिन दो ऐसे उद्योग हैं जिनके बारे में विचार किया जा रहा है। और यदि ऐल्यूमिनियम और सिंथेटिक रबर प्लैन्ट की स्थापना वहां हो गई तो उस की कमी बहुत कुछ पूरी हो जायेगी ।

Shri C. D. Pande: May I know whether a sum which is less than Rs. 5 crores is not too small for starting any heavy industry?

Shri S. N. Mishra: That would depend on the nature of the heavy industry to be taken up. I have perhaps indicated that there would be provision for a cement factory in U.P. We are just now seriously considering the establishment of the aluminium factory and the synthetic rubber plant. They would be in addition. But the amount would depend upon the nature of the heavy industry to be established.

The Minister of Industry (Shri Manubhai Shah): With your permission, may I add that the synthetic rubber plant is going to cost about Rs. 25 crores, and the aluminium factory will cost about Rs. 13 crores? The sites have more or less been finalised. The project reports are ready. And we hope to implement them perhaps within the Second Five Year Plan.

Shri Bishwanath Roy: May I know when the work in the direction of the establishment of these two factories mentioned just now will start?

Shri S. N. Mishra: As I have said, we are considering now the preliminary results of the investigations in regard to these two factories, and as to when the work will actually begin, we cannot say just now.

श्री भक्त दर्शन : क्या गवर्नमेंट के ध्यान में यह बात आई है कि चूंकि उत्तर प्रदेश के लिये द्वितीय पंच वर्षीय योजान में सरकारी तौर पर उद्योग धंधों के वास्ते कोई अच्छी रकम नहीं रक्खी गई है, इसलिये वहां की सरकार को प्राइवेट उद्योगपतियों का सहारा लेना पड़ रहा है, और क्या गवर्नमेंट इस बात को श्रेय कर या उचित समझती है ?

श्री मनुभाई शाह : यह बात इस हाउस में दो तीन दफे आ चुकी है । दूसरी पंचवर्षीय योजना के अन्दर जो जो बड़े उद्योग रक्खे जा रहे हैं, उन में से यह दो बड़े उद्योग, जैसा

कि मैं ने अभी आप से कहा, यदि वहां खुल जायेंगे, तो उत्तर प्रदेश का हिस्सा काफी हो जायेगा । इस सम्बन्ध में मिनिस्टर आफ कामर्स ऐंड इंडस्ट्री यू० पी० गये थे और बाबू सम्पूर्णानन्द जी से उन की बात हुई थी । मैं ने भी एक चिट्ठी लिखी है कि यह गलत-फहमी नहीं होनी चाहिये कि उत्तर प्रदेश में कोई बड़ी इंडस्ट्री नहीं लगाई जा रही है । इन दो इंडस्ट्रीज पर करीब ४० करोड़ रुपया खर्च होगा, जो कि कुल प्लैन का काफी अच्छा हिस्सा है ।

Lambretta Scooters

Mr. Speaker: Now, question No. 384.

The Minister of Industry (Shri Manubhai Shah): With your permission, may I club Question No. 412 also which is of a similar nature?

Mr. Speaker: All right.

***384. Shri Gajendra Prasad Sinha:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of Lambretta Scooters manufactured in India during 1956-57; and

(b) whether any Lambretta Scooters have been exported during the same period?

Shri Manubhai Shah: (a) 6,596, which includes 2,069 auto-cycles in 1956-57.

(b) There have been no exports since January, 1957.

Auto-Bicycle

***412. Shri Muhammed Elias:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) how many licences have been given to firms for the manufacture of auto-bicycles in India during 1956-57;

(b) where the factories are to be located;

(c) whether any licence has been cancelled during 1956-57 in West Bengal; and

(d) if so, the reasons therefor?

The Minister of Industry (Shri Manubhai Shah): (a) to (d). Nil, do not arise.

However, there is one factory which was licensed in 1955, which produced 2,069 auto-cycles in 1956-57.

Shri Gajendra Prasad Sinha: May I know why the prices are going up?

Shri Manubhai Shah: Firstly, factually, it is not quite correct. The prices are varying between Rs. 1600 and Rs. 1800 for the Indian-made Scooter and Rs. 800 for the autocycle; they were never lower than this. But the effort of Government is to broad-base the production, so that cost will go down gradually.

Shri Gajendra Prasad Sinha: May I know what components of these auto-cycles are manufactured in this country? Is there any proposal to manufacture the machinery as well?

Shri Manubhai Shah: The whole thing is a combination of various machines and parts. 22 per cent. indigenous component production has already been achieved, and we want to achieve one hundred per cent. in the next three years.

Shri Gajendra Prasad Sinha: What about the engines?

Shri Manubhai Shah: One hundred per cent. includes the engine of the auto-cycle as well as the built-in frame.

Shrimati Tarkeshwari Sinha: May I know the names of the foreign manufacturing companies which are participating in this manufacturing programme, and what percentage of capital they have invested?

Shri Manubhai Shah: The Lambrettas have no capital as such, but only a royalty etc. agreement. But in the Enfields, there was going to be a participation to the tune of 49 per cent. by the foreign firm but now they have only a technical collaboration based on royalty etc. In the case of

the third works, it is only technical collaboration of a German firm.

Shrimati Tarkeshwari Sinha: What are the names of those firms?

Shri Manubhai Shah: The Lambrettas and the Royal Enfields.

Shri Radha Raman: May I know the prices fixed for these Lambretta scooters and auto-cycles in India, and how they compare with the prices in other countries?

Shri Manubhai Shah: As far as the Lambretta scooter is concerned, for the 150 c.c. one, the price is Rs. 1750, whereas the foreign price is Rs. 800. In case of auto-cycle for 48 c.c., the price is Rs. 800 against foreign price of Rs. 600 each. The reason for the difference is that the pace of industrial production in this country, particularly of mechanised vehicles is slow. Our demand is hardly 6,000 a year whereas the Lambrettas in Italy would be producing over 100,000 units annually. We hope that by rationalisation of policy in the case of these three or four units, we shall be able to bring down the prices considerably.

Industrial Estates in West Bengal

*385. **Shri S. C. Samanta:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that four Industrial Estates are going to be set up in West Bengal during the Second Five Year Plan period;

(b) if so, whether their location has been finalised;

(c) whether any of them has already been set up; and

(d) whether any High Power Committee was appointed for this purpose?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The State Government have submitted schemes for establishment of five Industrial Estates at Kalyani, Durgapur, Howrah, Siliguri and Baruipur. The Government of India have so far approved of the scheme for the Industrial Estate at Kalyani only.

(c) Work in regard to the setting up of the Industrial Estate at Kalyani has started.

(d) No, Sir.

Shri S. C. Samanta: May I know the basic considerations that were taken into account in choosing these places?

Shri Manubhai Shah: West Bengal has a problem of refugee rehabilitation and obviously, that was one of the very principal considerations?

Shri S. C. Samanta: May I know whether further communication and transport facilities are to be taken in hand for these places?

Shri Manubhai Shah: That is obvious. Whenever we put up an industrial estate, the scheme of things is that we also plan to provide all services including transport.

Shrimati Ila Palchoudhuri: Considering the fact that the question of refugee rehabilitation has been one of the principal factors for initiating a scheme like this, may I know why Nadia, where there is the greatest concentration of refugees, has been deprived of such an industrial estate?

Shri Manubhai Shah: I can assure the hon. lady Member that there is no object or intention to exclude anybody. But we have to go one after another. As soon as these five schemes are completed, more schemes will be taken up in other areas.

Shri Ranga: What is the expenditure proposed for each one of these estates and how do we distribute the expenditure between the Union Government and the State?

Shri Manubhai Shah: The figures are: Kalyani Rs. 57 lakhs, Durgapur Rs. 75 lakhs, Howrah Rs. 75 lakhs, Siliguri Rs. 4 lakhs and Baruipur Rs. 4 lakhs. For the present, 100 per cent. of the expenditure is to be borne by the Government of India.

Shri A. C. Guha: When do Government propose to take up the other four industrial estates?

Shri Manubhai Shah: The consideration stage is, more or less, over, and we want to sanction them very soon. What is really wanted is implementation, not so much the sanction.

Shri S. C. Samanta: May I know whether the Planning Commission has finished its consideration, and it is lying with the Commerce Ministry?

Shri Manubhai Shah: That perhaps would be an internal question of administration. All I can assure the hon. Member is that we are very keen to see that these estates come up very fast in the West Bengal State.

Military Mission in Nepal

*386. **Shri Bibhuti Mishra:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that Indian Military Mission's advice in Nepal has proved helpful and useful; and

(b) if so, how long the mission is to stay with the Nepal Government?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) We have been informed by the Government of Nepal that this is so.

(b) As long as the Government of Nepal require their presence and it is convenient for the Government of India to maintain the mission there.

श्री विभूति मिश्र : क्या यह सही है कि हमारा जो मिशन काठमांडू में रहता है उसके लिये वहां की आबोहवा स्वास्थ्यकर नहीं है। क्या इसलिये भारत सरकार उनको वेसी एलाउंस देने की बात सोच रही है ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : आपने पूछा कि वहां की आबोहवा अच्छी है या नहीं ?

श्री विभूति मिश्र : मैं ने कहा कि क्योंकि वहां की आबोहवा यहां के सिपाहियों के लिये उपयुक्त नहीं है, क्या इसलिय भारत सरकार उनके खाने पीने का एलांउस बढ़ाने के बारे में सोच रही है ?

श्री जवाहरलाल नेहरू : इसका जरुर प्रबन्ध किया गया होगा क्योंकि जहां भी हमारी फौजें जाती हैं उनके खाने पीने का बहुत अच्छा इन्तिजाम होता है ।

श्री विभूति मिश्र : मैं यह जानना चाहता हूं कि अब तक हमारा मिलिटरी मिशन कितने आदमियों को वहां शिक्षा दे पाया है ?

श्री जवाहरलाल नेहरू : यह तो मैं नहीं कह सकता । हमारे वहां इस वक्त १९० लोग हैं जिनमें से २८ अफसर हैं और १६२ दूसरे लोग हैं । कुछ रोज हुए मैं ने सुना था कि उन्होंने वहां की काफी फौज को तैयार कर दिया है, ठीक तादाद तो नहीं बतला सकता । ऐसा करने में कुछ दिक्कतें भी आयीं, हमारी तरफ से नहीं, बल्कि इसलिये कि नेपाल गवर्नमेंट अपने आदमियों को काम से हटा नहीं सकती थी । इसलिये देर हो जाती थी । लेकिन काफी लोग सिखाये जा चुके हैं ।

Shri Panigrahi: May I know whether the Indian Military Mission has advised the Government of Nepal to maintain regular military check-posts on the Nepal-Tibet border? If so, who pays the cost of maintaining such posts?

Shri Jawaharlal Nehru: The Indian Military Mission do not advise anybody. They have gone there to train the Nepalese Army at the request of the Government of Nepal. They have nothing to do with advising the Government of Nepal or anybody. But I believe check-posts are kept all over the frontier to present smuggling, and undesirable people coming. So far as I know, they are small check-posts, probably police check-posts.

Nuclear Tests

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*387. { **Shri H. N. Mukerjee:**
Shri Raghunath Singh:

Will the **Prime Minister** be pleased to state:

(a) whether any steps are in contemplation for initiating, in consultation with the Bandung Powers or otherwise, a special drive for securing renunciation by all Powers of nuclear experiments for warlike purposes; and

(b) whether his recent suggestion of a summit conference of the leaders of the relevant Powers has been followed up by official action at any level?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) No.

(b) The suggestion for a summit conference of the Great Powers has not been pursued at an official level.

Shri H. N. Mukerjee: May I know if in view of the Pope having expressed himself against nuclear war preparations Government has found out from our representative at the Vatican any possibilities regarding reinforcing at Government level the international effort against nuclear warfare?

Shri Jawaharlal Nehru: A little while ago I referred to this matter—that we have done, I think, enough to inform the world of the strong feeling in this country on the subject. We have also been constantly mentioning this fact to the representatives of other Governments here and on Foreign Missions. I do not quite know what more is necessary unless the hon. Member wants to know if we have asked for a Conference. We have not done that.

Shri Hem Barua: In view of the fact that some of the U.K. statements say that nuclear and thermo-nuclear weapons are a deterrent to war, may I know if our hon. Prime Minister is going to explain the other side of the picture as adumbrated in the Resolution passed by this House?

Shri Jawaharlal Nehru: To whom and where?

Shri Hem Barua: To U.K. at the Commonwealth Conference.

Shri Jawaharlal Nehru: What is the other side of the picture?

Shri Hem Barua: We say it is to be banned as these nuclear and thermo-nuclear weapons do destruction; that is our feeling. At the same time, the U.K. statesmen are announcing that these weapons are deterrent to war. May I know if our Government is going to explain to them that they are not deterrent but an invitation to war?

Mr. Speaker: The hon. Member wants to know whether the Prime Minister will take up this matter when he attends the Commonwealth Premiers' Conference.

Shri Jawaharlal Nehru: I do not know whether and how I shall take it up. But our views are constantly made known at every level on this matter.

Improvement of Malnad Area

*388. **Shri Wodeyar:** Will the Minister of **Planning** be pleased to state:

(a) whether Government have received any representation or proposals for the improvement of Malnad area in Mysore State;

(b) whether it has come to the notice of Government that the climatic and geographical conditions in Malnad require a separate and exclusive system of planning; and

(c) whether Government are aware that on account of the paucity of means of transport and communication Malnad is lacking behind in progress?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) There has been no recent representation on the subject.

(b) and (c). The Mysore Government are being consulted.

Shri Wodeyar: May I know whether any committee was appointed by the Central Government to go into the question of Malnad; and, if so, have they submitted any report; and, if submitted, the special reasons for not implementing their recommendations?

Shri S. N. Mishra: It is an almost ancient matter. A committee was appointed in the year 1950 and it was called the Ramanathan Committee. The Committee made certain recommendations which were considered at the appropriate level; and, for certain reasons, most of the recommendations of the committee were not considered such as could be easily put into effect.

Mr. Speaker: Next question, question 389.

Shri Amjad Ali: Sir, would it be possible to answer question No. 406 along with this?

Mr. Speaker: Yes.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): They are completely different, Sir, except geographically they relate to the same area; otherwise not.

Shri Amjad Ali: If possible it may be given a chance.

Shrimati Ila Paulchoudhury: It is a completely different question.

N.E.F.A.

*389. **Shrimati Ila Palchoudhury:** Will the **Prime Minister** be pleased to state:

(a) the latest law and order position in the North Eastern Frontier Agency area *vis-a-vis* activities of hostile Nagas and action taken by Government to bring the situation to normalcy; and

(b) the latest figures in relation to the total number of—

(i) hostile Nagas killed, captured and surrendered,

(ii) civilian and military casualties: killed and injured, and

(iii) civilian and military personnel taken as prisoners by hostile Nagas?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) Out of six Divisions of N.E.F.A. only one Division, *viz.* the Tuensang Frontier Division has been affected by hostile Naga activity but even in this case, the situation in general has now been brought under control. Government have been pursuing a policy of firm action against violent hostile element. At the same time their approach has always been a friendly one. This policy has yielded a measure of success and the incidence of hostile activities has decreased.

(b) A statement is laid on the Table of Lok Sabha. [*See* Appendix III, annexure No. 3.]

Shrimati Ila Paulchoudhury: From the statement I find that there have been 17 civilians taken as prisoners by the hostile Nagas. Has any of them come over or have we tried to recover them; and, if so, how many have been recovered?

Shri Jawaharlal Nehru: I do not quite understand. The information is given. The hon. Member wants to know how we have got this information. Is that the question?

Shrimati Ila Palchoudhury: No, no. How are they being treated? Is there any information? Are we making any attempts to recover them? That is my question.

Shri Jawaharlal Nehru: Naturally, most of the civilians are village officials who were kidnapped, sometimes for ransom, sometimes just to terrorise them; sometimes they have been killed. Of course, every attempt is always made to recover them and sometimes they are recovered.

Shrimati Ila Palchoudhury: May I know whether the Government has

been able to find out the source of supply of arms and ammunitions to the hostile Nagas?

Shri Jawaharlal Nehru: There used to be large dumps there which were left over from piles of last war; they are easily available to anybody; they are subsequently wiped out. There is no spcific information about these supplies; perhaps they might have trickled in. I rather doubt that any large quantity had gone in there.

Shrimati Ila Palchoudhury: I want to ask one more question.

Mr. Speaker: I am calling the next question; I have already allowed three questions.

चर्खे का नमूना

*३९०. श्री श्रीनारायण दास : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) अखिल भारतीय खादी तथा ग्रामोद्योग बोर्ड द्वारा समुन्नत चर्खे का आविष्कार करने के लिये जो एक लाख रुपये के इनाम की घोषणा की गई थी, उसके उत्तर में अब तक कितने नमूने प्राप्त हुए हैं ;

(ख) क्या ऐसा कोई नमूना प्राप्त हुआ है जो सभी या अधिकांश शर्तों को पूरा करता है ; और

(ग) यदि हां, तो उसके आविष्कारक कौन-कौन हैं और उस समुन्नत चर्खे की विशेषतायें क्या है ?

वाणिज्य मंत्री (श्री कानूनगो) : (क) इनाम की घोषणा के उत्तर में समुन्नत चरखे का कोई नमूना अभी तक प्राप्त नहीं हुआ है । पर प्रतियोगिता से नमूने भेजने की अन्तिम तिथि अभी समाप्त नहीं हुई है ।

(ख) और (ग). प्रश्न हैं नहीं उठते ।

श्री श्रीनारायण दास : मैं जानना चाहता हूं कि अब जो तिथि निश्चित की गई है, क्या उसको बढ़ाने का सरकार का विचार है ?

श्री कानूनगो : जी नहीं, अभी तो जो तारीख निश्चित की गई है वह ३० जून है और हमारे पास कोई चार सौ इनक्वायरीज आई हैं । हमें उम्मीद है कि इस बीच में कुछ और इनक्वायरीज आ जायेंगी ।

श्री श्रीनारायण दास : इस तरह के जो नमूने मांगे गये हैं, क्या ये विदेशों से भी मांगे गये हैं ?

श्री कानूनगो : अपने देश से ही आ सकते हैं, दूसरे देशों से मंगाने की क्या जरूरत है ।

Research in Nuclear Science

***391. Shri Jhulan Sinha:** Will the **Prime Minister** be pleased to state:

(a) whether the services of the universities and research institutions in the country are being utilised for research in nuclear science and on problems connected with atomic energy; and

(b) if so, the grants made for these purposes during the last two years?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) A statement showing the grants paid during the years 1955-56 and 1956-57 to the various Ministries and Research Institutions for research in nuclear science and on problems connected with atomic energy is laid on the Table of Lok Sabha. [*See* Appendix III, annexure No. 4.]

Shri Jhulan Sinha: The statement disclosed a reduction of grants for the year 1956-57. May I enquire whether this is due to lack of efforts by the universities or by Government or due to some other causes?

Shri Jawaharlal Nehru: The hon. Member asks why, in the second year, there has been a reduction in the

grants. I am sorry I cannot say. May be, the work has been done. I shall have to look into it. As will be seen from this, grants have been given to the University of Delhi, University of Madras, University of Calcutta and also College of Science and Technology, University of Bombay Andhra University, Waltair, and also other institutions in New Delhi, Ahmedabad, Hyderabad, Tambaram, Poona and so on. Unless I enquire into each case, it is difficult to answer.

Shri Sambandam: May I know whether these institutions have submitted any report about research in nuclear science?

Shri Jawaharlal Nehru: Yes, Sir; they send their reports from time to time, naturally; otherwise, the grants would not be continued.

Middle Class Family Budget Survey

*392. **Shri T. B. Vittal Rao:** Will the **Prime Minister** be pleased to state:

(a) the progress made regarding the All India Middle Class Family Budget Survey; and

(b) when this survey is likely to be concluded?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). A scheme prepared by the Central Statistical Organisation for conducting an All-India Middle Class Family Budget Survey was considered at the second meeting of the Technical Advisory Committee on Cost of Living Index Numbers in September 1956 and the broad outlines of the proposed survey were laid down. Further details regarding the design of the survey, content of the questionnaire, etc., were discussed at the third meeting of the Committee held on 23rd and 24th May, 1957. Efforts are being made to finalise the detailed pattern of the Survey and conduct it as early as possible.

Shri T. B. Vittal Rao: May I know whether the scope of the survey will be confined only to the construction of cost of living index numbers, or will it also include the study of levels of cost of living in this class?

Shri Jawaharlal Nehru: If you desire, Sir, I can read out the terms of reference; they are rather lengthy. The terms of reference are:

"(i) Examination of proposals for the conduct of family budget enquiries by the State Governments or the Central Government.

(ii) Examination of the schemes prepared by the State Governments or Central Government for the construction of Cost of Living Index Numbers.

(iii) Examination of special difficulties pointed out by the State Governments or the Central Government in compilation of Cost of Living Index Numbers.

(iv) Improvement of the basis of Cost of Living Index Numbers, including standardisation of definitions, concepts etc., and of methods of collection of prices and compilation of index numbers.

(v) Consideration of any special problems arising in the compilation of a weighted All-India Cost of Living Index.

(vi) Any other matters relating to the compilation or publication of Cost of Living Index Numbers."

Shri T. B. Vittal Rao: In reply to a question some months ago, it was stated that the question as to whether the scope of the survey should be confined only to the construction of the cost of living index number or also to the study of the living of this class has to be decided in consultation with the Ministry of Finance. May I know whether that has been done?

Shri Jawaharlal Nehru: Does the hon. Member want to know whether the Ministry of Finance has been consulted about this matter?

Shri T. B. Vittal Rao: Yes, about the scope of the survey.

Shri Jawaharlal Nehru: I am sure, it must have been, though I cannot say definitely without making enquiries. The Ministry of Finance is constantly being consulted about these matters.

Shri T. B. Vittal Rao: May I know whether any firm date has been fixed by which time these figures should be compiled, in view of the fact that this question has been before the Government for well over four years?

Shri Jawaharlal Nehru: I do not think this particular matter has been before the Government for so long. The Central Statistical Organisation itself is hardly that old.

Shri Anthony Pillai: Will the draft questionnaire be circulated to the Middle Class Union before it is finalised?

Shri Jawaharlal Nehru: Circulated where?

Shri Anthony Pillai: I want to know whether the draft questionnaire will be circulated to the Middle Class Union before it is finalised.....

Shri Jawaharlal Nehru: I cannot understand, Sir,.....

Shri Anthony Pillai: ..... to elicit their opinion.

Shri Jawaharlal Nehru: This indicates the approach to be made in approaching the middle class people. This is not to be circulated. Of course, it is a public document and anybody can see; it is not a private document. These are instructions as to how this work should be done.

Shrimati Tarkeshwari Sinha: In view of the fact that the universities have been conducting family budget survey in the process of the study of economics in the universities, may I know whether the Planning Commission or the Government propose to collect data from them, because they have a collection of all available date with them?

Shri Jawaharlal Nehru: Naturally, all available data will be collected. But, the point is that the method of compiling statistics and data has not been wholly good and it varies. If you collect some data it differs because the basis of calculation is different. The whole point is, therefore, to have uniformity about this. Every piece of information that is relevant will no doubt be collected.

Mr. Speaker: Next question.

Shri Mahendra Pratap: Does the Government know that at Delhi itself there are many middle class families suffering badly financially?

Mr. Speaker: Order, order. I have called the next question.

पाकिस्तानियों का अवैध प्रवेश

*३६३. **श्री प० ला० बारुपाल** : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) १ जनवरी, १९५६ के बाद से राजस्थान और पश्चिमी पाकिस्तान के बीच कितने व्यक्तियों ने बिना पारपत्रों के सीमा को पार किया और जो व्यक्ति गिरफ़्तार किये गये उनमें से कितनों को सजा मिली और कितने मामले अभी विचाराधीन हैं ; और

(ख) क्या सरकार को मालूम है कि भारत-पाकिस्तान सीमा के निकटवर्ती गांवों के निवासियों में परस्पर विवाह सम्बन्ध स्थापित हुए हैं और बिना पारपत्रों के बारातें आई गई हैं ?

वैदेशिक कार्य उपमंत्री (श्रीमती लक्ष्मी मेनन) : (क) पासपोर्टों और वीजाओं के बगैर राजस्थान और पश्चिमी पाकिस्तान के बीच सीमा पार करने के लिये १९५६ में १४० आदमियों पर मुकदमें चलाये गये ।

इनमें से ९५ आदमियों को सजायें दी गई और १९ को बरी कर दिया गया । २६ आदमियों के खिलाफ मामलों पर कार्रवाई की जानी है ।

जनवरी—अप्रैल, १९५७ के आंकड़े अभी नहीं मिले हैं ।

(ख) हमारे पास कोई सूचना नहीं है, लेकिन हमने राज्य सरकार से पूछताछ करने को कहा है ।

I shall read the answer in English also.

(a) 140 persons were prosecuted in 1956 for crossing the border between Rajasthan and West Pakistan without passports and visas. Of these 95 were convicted and 19 acquitted. Cases against 26 are pending.

Figures for January-April, 1957 have not yet been received.

(b) We have no information, but have asked the State Government to make enquiries.

श्री प० ला० बारूपाल : क्या भारत सरकार से यह आशा की जा सकती है कि वह कोई गैर सरकारी आयोग की नियुक्ति करके पाकिस्तान और राजस्थान की सीमा पर जो राजद्रोहात्मक कार्य किये जा रहे हैं, उनका पता लगाने की कोशिश करेगी ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरु) : मैं माननीय सदस्य के प्रश्न को पूरी तौर से समझा नहीं । कुछ झलक तो हुई, लेकिन पूरी तौर से समझ नहीं सका ।

श्री प० ला० बारूपाल : क्या मैं सरकार से यह आशा कर सकता हूं कि वह कोई गैर सरकारी आयोग की नियुक्ति करेगी और पाकिस्तान और राजस्थान की सीमा पर जो गैर कानूनी व्यापार होता है वह किन तत्वों द्वारा होता है, इसकी जांच करने की कोई कोशिश करेगी ?

श्री जवाहरलाल नेहरु : इस लिये कोई कमेटी की जरुरत नहीं है । यह साफ जाहिर है कि वह कहां होता है, और क्यों करते हैं । एक हजार मील की लम्बी सरहद है । एक तरह वीरान सरहद है और यह खास मौका है जहां कि जरा जोशीले डाकू काम करते हैं । इसमें शक नहीं है कि आप देखेंगे कि सन् १९५५–५६ के जो फीगर्स दिये गये हैं, सन् १९५६ में इनमें कमी हो गई है और इसके मानी यह हैं कि हमारी पैट्रोलिंग ज्यादा माकूल है ।

Shri Mahendra Pratap: Why not abolish the passports altogether?

Mr. Speaker: Next question.

Cashew Processing Industry

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*394. **Shri V. P. Nayar:**
Shri Kodiyan:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any Central financial aid has been given to help the Cashew Processing Industry;

(b) whether during the President's rule in the erstwhile Travancore-Cochin State and the present Kerala State, the State Government had requested for any Central financial aid to tide over the crisis in the Cashew Industry; and

(c) if so, the action taken thereon?

The Minister of Commerce (Shri Kanungo): (a) No, Sir.

(b) and (c). The State Government enquired whether any financial assistance could be given for the formation of industrial co-operatives of cashew workers in the event of a large number of cashew factories remaining closed during the current year. While the matter was under consideration, the State Government succeeded in persuading the major cashew factory owners to re-open the factories.

Shri V. P. Nayar: May I know whether, during the President's rule in Kerala State, the Government of the State had informed the Central Government about the specific reasons which had resulted in the crisis in the cashew-nut industry?

Shri Kanungo: The crisis came about on the closure of the factories. The State Government sent in a preliminary proposal for organising industrial co-operatives, but we understand now that they have no necessity for it.

Shri V. P. Nayar: In view of the fact that cashew kernels account for Rs. 9·5 crores to Rs. 10 crores worth of foreign exchange, does the Government of India consider it necessary to afford special financial assistance so that the industry may go on?

Shri Kanungo: Well, we are attacking it from the point of view of increasing the acreage under cashew cultivation so that our imports will reduce. In the meantime, ample provision is made for import of raw materials.

Shri B. S. Murthy: In view of the fact that the cashew industry is a very important industry, may I know whether the Government consider the advisability of starting industrial co-operative societies for giving greater fillip to the workers?

Shri Kanungo: That is what I said in the earlier part of the reply. When the proposal came, we were agreeable to it, but then, later on, the State Government did not want it.

Shri B. S. Murthy: The point is this. There was a crisis, and the Travancore-Cochin Government wanted assistance. But the industry itself has to be protected. May I know what the Central Government is doing in order to see that the industry is not ruined?

Shri Kanungo: I do not exactly get the import of the question. But if the question is one of giving aid and help to the industrial co-operatives in this industry, if the State Government proposes, we will consider it as we considered in the case of Travancore-Cochin.

Shri Thirumal Rao: Is cashewnut also one of the articles that are being considered for export by the Export Advisory Council that is set up recently by the Government?

Shri Kanungo: Yes, Sir. Cashew is mostly exported and it is being considered by the Council also.

Shri Kodiyan: May I know whether, in view of the fact that the quantity of cashewnuts produced in our country is not sufficient to meet the requirements of the industry, Government have any plan to increase the cultivation of cashewnuts and if so, what is the plan?

Shri Kanungo: The first part of the question is correct. The Food and Agriculture Ministry have got a scheme to increase the acreage under cashew cultivation.

Shri V. P. Nayar: In my last question, I asked about the export of cashewnuts; the hon. Minister seems to have misunderstood it as import of raw nuts. My question was, whether in view of the foreign exchange to the tune of Rs. 10 to Rs. 12 crores which the export of cashew is bringing to the country, the Government of India have considered it necessary to provide financial assistance, so that we may continue to get this foreign exchange.

Shri Kanungo: There is no proposal before the Government for any specific financial assistance. The proposal which was submitted by the Travancore Government was withdrawn.

Shrimati Ila Palchoudhury rose—

Mr. Speaker: The hon. Member must get up quickly.

Shrimati Ila Palchoudhury: I did get up several times, Sir. The industry being an important one earning foreign exchange, in view of the fact that the processing of cashew causes certain sores in the workers' hands and is detrimental to the health of the

workers, does Government have any means of looking to the welfare of the workers in this industry, because the closing down of some of the factories was due to the dissatisfaction of the workers in this respect?

Shri Kanungo: I am afraid that was not the reason for the closure of the factories; the reason was something else. With the new pattern of extracting oil and all that, those hazards do not exist now.

कोसा (टसर) उद्योग

*३९५. **श्री जांगड़े** : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश के कोसा (टसर) उद्योग के प्रोत्साहन, उत्पादन, रीलिंग, बुनाई, कताई आदि के लिये केन्द्र द्वारा सहायता, अनुदान और ऋण के रूप में अब तक कितनी राशि दी जा चुकी है ;

(ख) इस उद्योग से कितनी सहकारी समितियां सम्बद्ध हैं ;

(ग) इस सम्बन्ध में कितने नये प्रयोग किये जा चुके हैं ; और

(घ) द्वितीय पंचवर्षीय योजना में इस उद्योग के बारे में क्या कार्यक्रम बनाया गया है ?

वाणिज्य मंत्री (श्री कानूनगो) : (क) ९१,२९७ रुपये अनुदान के रूप में तथा २,०९,००० रुपये ऋण के रूप में दिये जा चुके हैं ।

(ख) तीन ।

(ग) प्रयोग किये जा चुके हैं और रद्दी टसर रेशम कातने तथा टसर रेशम के तार निकालने की सुधरी हुई मशीनें काम में लायी जाने लगी हैं । इन प्रयोगों की संख्या के बारे में जानकारी उपलब्ध नहीं है ।

(घ) कोसा उद्योग के विकास के लिये मध्य प्रदेश सरकार ने अपनी दूसरी पंचवर्षीय योजना में १७.८६ लाख रुपये व्यय करने की व्यवस्था की है ।

I shall read the answer in English.

(a) Rs. 91,297 as grants and Rs. 2,09,000 as loans.

(b) Three.

(c) Experiments have been conducted and improved types of tassar silk waste spinning and tassar silk reeling machines have been introduced. Information about the number of such experiments is not available.

(d) The Government of Madhya Pradesh have provided a sum of Rs. 17·86 lakhs in their Second Five Year Plan for the development of kosa industry.

Shri Jangde: May I know whether the Government has any information as to what was the total population depending on this industry in the years 1931 and 1951?

Shri Kanungo: Accurate figures are not available; it has been assumed that about 30,000 people are dependent on the industry.

Shri Jangde: May I know how many reeling and spinning looms are lying idle and as a result of it, how many people are unemployed partially or wholly?

Shri Kanungo: I do not think any loom is lying idle.

Short Notice Question and Answer

12 hrs.

Integrated Heavy Machine Building Plant

S.N.Q. No. 7. Shri Gajendra Prasad Sinha: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any proposal to change the location of the proposed heavy machine building plant from Ranchi in Bihar to elsewhere; and

(b) what are the new factors that have led to this change in the original proposal?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). I presume that the hon. Member is referring to the recommendations of the team of experts from the Soviet Union. They came to the conclusion that from various angles, Bihar State was suitable for the location of an integrated heavy machine building plant. Within Bihar the team surveyed half a dozen sites and felt that a site near Ranchi would be the best available, especially as there was a proposal to construct a railway line from Bokaro to Rourkela. The Government have not yet considered the question of the location of the plant, and the construction of a railway line is still under the consideration of the Government. All these and allied questions will be decided at a very early date.

Shri L. N. Mishra: May I know whether the Government is having any special difficulty as regards Ranchi?

Shri Manubhai Shah: There is no question of any special difficulty. Ranchi seems to be by far the best site. But the question of connecting Murry with Ranchi, the Forty-three mile railway line, is still under consideration.

श्री राघेलाल व्यास : क्या मैं यह जान सकता हूं कि पहले ईसको भोपाल में बनाने की योजना थी ?

श्री मनुभाई शाह : नहीं, ऐसा कोई ख्याल नहीं था। भोपाल में हवी एलिक्ट्रकल प्लैंट है, माननीय सदस्य ईस को उससे मिक्स कर रहे हैं।

Shri Gajendra Prasad Sinha: In view of the fact that the hon. Minister is proposing to spend Rs. 40 crores in U.P. for heavy industries, may I know what will be the expenditure of the Centre for heavy industries in the Second Five Year Plan for Bihar?

Mr. Speaker: How does it arise?

Shri Manubhai Shah: This does not arise out of this Short Notice Question. Building plant itself is going to be a very big plant.

WRITTEN ANSWERS TO QUESTIONS

Catholic Syrian Bank

***396. Shri Warior:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it has come to the notice of Government that the South Indian Bank and the Catholic Syrian Bank have not implemented the recommendations of the Travancore-Cochin Banking Enquiry Committee regarding the emoluments of their staff;

(b) whether the Government of India have received any representation from the Kerala Bank Employees Union in this and allied matters; and

(c) what steps Government propose to take to enforce the recommendations?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). A representation on the subject has been received from the All Kerala Bank Employees' Union, Cochin.

(c) All the Banks concerned have been addressed to give effect to the recommendations of the Travancore-Cochin Banking Enquiry Commission. Such of them as have not implemented the recommendations are being further pressed to do so and in case they do not comply, legislation may be necessary.

All India Handloom Board

***397. Shri A. K. Gopalan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the report of the Sub-Committee appointed by the Standing Committee of the All India Handloom Board, to enquire into the working of handloom industry has

(b) what are the recommendations of the Sub-Committee; and

(c) what action Government have taken on the report?

The Minister of Commerce (Shri Kanungo): (a) No, Sir.

(b) and (c). The report is before the Standing Committee of the Handloom-Board for their consideration in the first instance.

Pondicherry Municipality

*398. { **Shri Kodiyan:** **Shri Tangamani:**

Will the **Prime Minister** be pleased to state:

(a) when the Budget of the Pondicherry Municipality was forwarded to the Government of Pondicherry for the year commencing January, 1957; and

(b) when it was approved by the Government Council of Pondicherry?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) and (b). The budget was submitted on August 28, 1956, but on account of the failure of Pondicherry Municipality to make provision for certain obligatory expenses and other allied matter, the budget was not sanctioned till 21st March 1957.

अफगानिस्तान के साथ व्यापार

*३९९. **श्री रघुनाथ सिंह :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि इस वर्ष अफगानिस्तान से आने वाले सूखे मेवे का आयात लगभग तीन करोड़ रुपये से घट कर एक करोड़ रुपये रह गया है ; और

(ख) यदि हां, तो क्या भारत अफगानिस्तान के बीच व्यापार के बढ़ाने के लिये अफगानिस्तान से एक शिष्टमंडल भारत आया है ?

वाणिज्य मंत्री (श्री कानूनगो) : (क) जी, हां । अप्रैल से दिसम्बर, १९५६ तक अफगानिस्तान से सूखे मेवों का आयात ११० लाख रुपये का हुआ है, जब कि १९५५ की इसी अवधि में १९६ लाख रुपये का हुआ था ।

(ख) जी, हां ।

N.E.F.A.

*400. **Shri Gohain:** Will the **Prime Minister** be pleased to state:

(a) how many tribal houses and Government buildings were destroyed by the last storm which occurred in the last week of April, 1957, in North East Frontier Agency;

(b) whether any measures have been taken to rehabilitate and give relief to the affected people; and

(c) the number of lives lost and the compensation given therefor?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) to (c). According to information so far available, 58 Government buildings have collapsed and 92 damaged as a result of the storm during the last week of April.

Regarding tribal houses, while complete information is not yet available, preliminary reports indicate that six tribal houses have collapsed at Chowkham.

The only report so far received regarding loss of life is of one Government boatman.

Local authorities have already been instructed to go ahead with reconstruction and rehabilitation measures.

Detailed reports are still awaited.

Textile Wage Board

*401. **Shri Anthony Pillai:** Will the **Minister of Labour and Employment** be pleased to state whether the Trade Union Organisations were consulted before the nomination of

members representing workers to the Textile Wages Board were made?

The Deputy Minister of Labour (Shri Abid Ali): The two members representing the workers were appointed in consultation with the Indian National Trade Union Congress, the All India Organisation of workers having the largest membership in the textile industry.

Low Income Group Housing Scheme

*403. **Pandit D. N. Tiwary:**
Shri Panigrahi:
Shri S. C. Samanta:

Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the progress made in 1956-57 under the Low Income-Group Housing Scheme; and

(b) the names of the States which have utilised the entire grants allotted for this purpose?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) In 1956-57, the Central Government allocated Rs. 6·78 crores to State Governments and Union Territories for projects under the Low Income Group Housing Scheme. The amount actually drawn by the State Governments and Union Territories was Rs. 6·33 crores. According to information received from the State Governments, 3930 houses were completed and 12751 were under construction by the 31st March, 1956. By the 30th April, 1957, 13046 houses were completed and 15946 were under construction.

(b) Assam, Orissa, the Punjab (PEPSU) and the Union Territories of Pondicherry and Tripura have utilised the entire amount allocated.

All India Handloom Board

*404. **Shri Jinachandran:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the report submitted by the Committee on Credit Facilities for the Handloom Industry constituted in 1955 has been considered by Government; and

(b) if so, the steps Government propose to take to help the weavers outside the co-operative fold?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir.

(b) This Committee did not go into the question of help to weavers outside the co-operative fold.

Electric Motors, Starters and Switches

*405. **Shri S. V. Ramaswamy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what is the estimated requirements of electric motors, starters and switches in view of the programmes for rural electrification for agricultural purposes;

(b) what percentage of this can be met by indigenous production; and

(c) the reasons for the change in import policy for these items for the period January-June 1957 as compared to the period for July-December, 1956?

The Minister of Industry (Shri Manubhai Shah): (a) The total estimated demand by 1960-61 for electric motors, motor starters and Ironclad switch and switch fuses has been assessed at 10 lakh H.P., 1,20 lakh Nos. and 6 lakh Nos. per year respectively with an establishment rated capacity 20 to 25% higher than these figures.

(b) The demands are rising rapidly but it is our endeavour to see that most of our demand will be met by indigenous production.

(c) Considerations of foreign exchange and the capacity of the indigenous industry have been the reasons for changes in import policy for these items

N.E.F.A.

*406. **Shri Amjad Ali:** Will the **Prime Minister** be pleased to state:

(a) the number of handicraft Training Centres so far opened in the North Eastern Frontier Agency;

(b) whether any attempt has been made to so organise the training in North Eastern Frontier Agency as to keep intact their old and indigenous handicrafts?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) Twenty One.

(b) Yes Sir. The Administration lays stress on the preservation of indigenous crafts and local designs.

Trivandrum Rubber Factory

*407. **Shri Easwara Iyer:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have examined the possibility of expanding the present rubber factory at Trivandrum; and

(b) if so, what is the action taken in the matter?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Messrs Travancore Rubber Works, Trivandrum have been recently granted a licence under Industries (Development and Regulation) Act for expanding their production of cycle tyres and tubes, hoses, Latex goods, Vee and Fan belts.

Finance Corporation for Handloom Industry

*408. **Shri B. S. Murthy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Andhra Government has proposed a Finance Corporation for the development of handloom industry; and

(b) if so, the contribution, if any, asked from the Centre for the said Finance Corporation?

The Minister of Commerce (Shri Kanungo): (a) No, Sir.

(b) Does not arise.

Recruitment of Tea-garden Labour

*409. **Shri Ghosal:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the recruitment of labour for tea-gardens is made under the rules and provisions of the Tea Districts Emigrant Labour Act;

(b) whether the recruitment of labour for tea gardens has been stopped;

(c) whether the Tea Districts Labour Association is an organisation for the recruitment of labour for tea gardens specially for those owned by the English Companies; and

(d) if so, whether there has been any heavy retrenchment in the Tea Districts Labour Association?

The Deputy Minister of Labour (Shri Abid Ali): (a) Recruitment of labour for tea gardens in Assam from outside the State is regulated by the Tea Districts Emigrant Labour Act, 1932.

(b) No.

(c) The Association recruits labour for tea gardens mostly owned by English Companies.

(d) According to available information, 130 employees were retrenched on 1.1.1957 while 120 are to be retrenched on or before 31.5.57 and another 20 on 30.6.57.

Displaced Persons from East Pakistan

*410. **Shri Sanganna:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether any scheme in conjunction with the States of Orissa, Andhra and Madhya Pradesh is worked in the Malkangiri area of Koraput District (Orissa) to re-settle

3000 displaced persons from East Pakistan;

(b) whether a committee of experts have visited the area in the second week of May, 1957; and

(c) whether it has sent any report on the feasibility of the working of the scheme?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) to (c). A preliminary scheme for the resettlement of about 3,000 displaced families from East Pakistan in the Malkangiri area of Koraput district in Orissa has been sanctioned. The area forms part of the large contiguous tract in the three States of Madhya Pradesh, Orissa and Andhra, the possibilities of development of which are at present being examined by a high-level Committee. The Committee accompanied by technical experts visited this area in the first week of May, 1957. It has still to visit some other areas. The Committee has not yet submitted its recommendations.

Export of Coir Products

***413. Shri Kumaran**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have taken any positive steps to increase India's export of coir products; and

(b) if so, the results thereof, country-wise?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir. The Coir Board is organising publicity and propaganda for coir and coir goods in foreign countries by participating in Exhibitions and Fairs, and advertisements, in papers. The Government of India are also persuading foreign Governments to permit import of coir products at the time of conclusion of trade agreements.

(b) It is too early to evaluate the results of these steps.

Wage Board for Cotton Textiles

***414. Shri Tangamani**: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Wage Board appointed for Cotton Textile Industry has powers to co-opt members; and

(b) whether Government propose to appoint Regional Boards?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). There is no proposal to appoint Regional Boards but the Wage Board will be free to co-opt members for considering regional matters, whenever necessary.

Export of Manganese and Iron Ores

***415. Shri Narasimhan**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the State Trading Corporation is exporting mostly high grade manganese ore;

(b) the ratio of high grade ore to low grade of manganese and iron ores exported by the State Trading Corporation since it took up the trade;

(c) whether the State Trading Corporation propose to export manganese and iron ores to a particular country or countries; and

(d) whether there is a danger of concentration on high grade ores resulting in dislocation of business amongst producers and consequent unemployment in the mines?

The Minister of Commerce (Shri Kanungo): (a) No, Sir.

(b) Exact percentages are not available. Less than 1/3rds of the State Trading Corporation's exports of manganese ore are of the high grade variety. Only small quantities of high grade iron ore are being exported: a very large proportion of exports consists of medium grades. The

Corporation are endeavouring to export larger quantities of low grades of ores.

(c) No, Sir: the Corporation proposes to diversify markets and stimulate exports to all potential consumers.

(d) No, Sir.

Local Development Works in States

*416. **Shri Dora:** Will the Minister of **Planning** be pleased to state:

(a) whether it is a fact that due to late intimation of providing grants to Andhra State last year works under Local Development Works could not be executed; and

(b) whether early intimation of providing grants to various States has been given in respect of Local Development works this year?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) No, Sir.

(b) Yes, Sir. Advance intimation about the order of allocation on population basis has been given to the States for the current year. The question of providing further grants to States according to performance is under consideration.

Forward Trading in Jute and Jute-goods

*417. **Shri L. N. Mishra:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the question of establishing a Future Market for jute and jute goods has been given some concrete shape in recent months;

(b) if so, its broad out-lines; and

(c) how it is to be regularised and controlled?

The Minister of Commerce (Shri Kanungo): (a) Yes.

(b) The futures market will be organised by the East India Jute & Hessian Exchange, Calcutta, after its reconstitution has been approved by Forward Markets Commission. It will conduct trading in all varieties of raw jute and jute goods through the medium of futures contracts and transferable specific delivery contracts.

(c) The market will be regulated under the provisions of Forward Contracts (Regulation) Act, 1952, and shall be controlled through the Forward Markets Commission.

Wage Board for Industries

*418. **Shri D. C. Sharma:** Will the Minister of **Labour and Employment** be pleased to state the progress made upto the end of April, 1957 in the matter of collection of data for various industries with a view ultimately to set up Wage Board?

The Deputy Minister of Labour (Shri Abid Ali): A Wage Board for the Cotton Textile Industry has already been set up. We are considering the setting up of similar Wage Boards for certain other industries also. Some data has already been collected and it has been found that for some industries the Boards can start working on the data already available and arrangements can be made for the collection of further data that may be needed.

Research Programme Committee

*419. **Shri Bahadur Singh:** Will the Minister of **Planning** be pleased to state:

(a) whether the Research Programme Committee of the Planning Commission has finalised the main lines of research to be sponsored in the fields of politics and public administration; and

(b) the broad categories of subjects that have been chosen by the Committee for such research work?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Yes, Sir.

(b) The R.P.C. has chosen three broad categories of subjects in Politics & public administration. They are:—

(1) machinery for planning and implementation,

(2) working of Village agencies with special reference to public cooperation and,

(3) problems of public administration and parliamentary control of public enterprises.

Agricultural Production

*420. **Shrimati Tarkeshwari Sinha:** Will the Minister of **Planning** be pleased to state:

(a) whether the attention of Government has been drawn to the remarks made by the Deputy Chairman of the Planning Commission that all is not well with the execution of vital agricultural schemes in the Second Plan;

(b) whether it is a fact that the agricultural production target set in the First Year of the Second Plan has not been reached in most of the States; and

(c) in view of this, whether Government propose to revise the target of food production in the Second Plan?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). Yes. In presenting the results achieved under the First Five Year Plan, Deputy Chairman, Planning Commission has referred in particular to the following three targets not being fully realised—(1) area brought under irrigation, (2) area covered by improved seeds, and (3) development of local manurial resources, namely, organic and green manures. He has not referred to the achievements in 1956-57 as full reports have not yet been received from States.

(c) Does not arise.

Indian Troops in U.N.E.F.

*421. **Shri Sadhan Gupta:**
Shri Bhakt Darshan:
Shri Bibhuti Mishra:
Shri M. R. Krishna:

Will the **Prime Minister** be pleased to state:

(a) whether Indian troops of the U.N.E.F. operating in the Gaza strip are in constant danger from Mine fields;

(b) whether any casualty has so far occurred among them through the explosion of mines; and

(c) if so, the number and nature of such casualties and the compensation paid in respect of each?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) There is always some danger.

(b) and (c). Two Indian soldiers, Havildar Dewan Singh and Naik Puran Chand were killed on the 10th April, 1957, in a mine explosion in Gaza, while engaged in mine-clearance.

An amount of Rs. 250/- each has already been paid from the Army Benevolent Fund to the next-of-kin of the deceased soldiers. The credit balance and deferred pay amounting to Rs. 992:93 in respect of late Naik Puran Chand have been paid to the next of kin, while in the case of the other soldier, it is being looked into.

The question of payment of Family Pension Awards is being examined.

Private Mines, Coffee and Tea Estates

*422. **Shri Wodeyar:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Factories Act and the Industrial Disputes Act are made applicable to employees in private mines, coffee and tea estates; and

(b) whether Government have come to know of seasonal retrenchment and unemployment in these sections?

The Deputy Minister of Labour (Shri Abid Ali): (a) The Industrial Disputes Act is applicable but not the Factories Act.

(b) Yes.

Machinery for Textile Industry

***423. Shri Shree Narayan Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the extent to which demand for textile machinery is being met from indigenous production;

(b) whether any and if so, what restrictions are placed on the imports of such machinery;

(c) whether any representations have been made to allow imports of such textile machinery also as are manufactured in India; and

(d) if so, the action taken thereon?

The Minister of Industry (Shri Manubhai Shah): (a) to (d). The main items of machinery needed by the cotton textile industry e.g. carding engines, ring frames and looms are being produced in the country to meet a large part of our needs of these machineries. Imports therefore have to be allowed of only those types such as blow room machinery etc., which are not yet being manufactured in India. Import of items which are being produced in the country is only allowed to meet the difference, if any, between domestic production and demand. The import policy is determined every half year after taking into account the representations received as well as the independent assessment of the officers of the Textile Commissioner. A copy of the import policy regarding these textile machinery is laid on the Table of Lok Sabha. [**Placed in Library.** *See* No. S-/57]

सीमेंट के कारखाने

***४२४ श्री जांगड़े :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि वर्ष १९५७ में मध्य प्रदेश में सीमेंट के तीन कारखाने स्थापित किये जाने वाले हैं; और

(ख) यदि हां, तो वे कहां-कहां स्थापित किये जायेंगे ?

उद्योग मंत्री (श्री मनुभाई शाह) : (क) तथा (ख) । जी, नहीं । मध्य प्रदेश में सीमेंट के यद्यपि ५ नये कारखाने स्थापित करने के लायसेंस दिये जा चुके हैं, लेकिन इनमें से कोई भी कारखाना इस वर्ष स्थापित न होगा । आशा है कि इनमें से एक कारखाना १९५८ में और अन्य कारखाने १९५९–६० में स्थापित होंगे । मध्य प्रदेश में ये कारखाने इस प्रकार खुलेंगे—सतना में दो और मेहर, दुर्ग तथा नीमच में एक एक कारखाना ।

N.E.F.A.

***425. Shri Gohain:** Will the **Prime Minister** be pleased to state:

(a) whether Government are aware that the rules and regulations of Central Public Works Department cannot effectively be applied to N.E.F.A.; and

(b) if so, whether there is any proposal for creating a separate Engineering Department under the control of North East Frontier Agency Administration?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) In areas where the regular staff of C.P.W.D. are working, normal rules and regulations of the C.P.W.D. are followed. In some remote hill areas of N.E.F.A., difficulties have been experienced in following effectively the rules and regulations of C.P.W.D. to the letter. In such areas, the Political Officers function as C.P.W.D. disbursers and special orders are issued according to the needs of the area.

(b) No such proposal is being considered by the Government.

Nevada Atomic Test

*426. **Shri Raghunath Singh:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that observers of 47 nations have been invited to witness the series of Atomic Tests at Nevada; and

(b) if so, whether India has been invited or not?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) Government have no information on the subject.

(b) Does not arise.

Dyeing and Printing Houses

*427. **Shri Kodiyan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what are the main considerations on which the All India Khadi and Village Industries Board did not consider it feasible to open new dyeing and printing houses and/or augmenting the capacities of the existing dyeing and printing sections of the khadi production centres; and

(b) what policy the All India Khadi and Village Industries Board propose to follow in the Second Five Year Plan in the matter?

The Minister of Commerce (Shri Kanungo): (a) The All-India Khadi & Village Industries Board did not, and its successor, the Khadi and Village Industries Commission, does not, itself manage any dyeing house or printing house. Financial assistance is however provided to the recognised institutions of the Board which are in charge of production, dyeing and printing of khadi in accordance with consumer demand. There was, however, no application from these institutions for assistance towards this purpose.

(b) The Khadi and Village industries Commission will follow the policy of developing the industry through financial assistance to its recognised institutions. With the increase in the demand for khadi, which has been evident since 1956-57, it is likely that institutions would ask for establishment of additional dyeing houses or for expanding existing ones to meet the regional demands. Applications are also likely to be made for setting-up screen printing houses to satisfy consumer preference in various markets. The increased demand and the nature of consumer preference will determine the kind of action to be taken by the institutions and the Commission.

National Discipline Scheme

*428. **Shri S. C. Samanta:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) the amount spent for the propagation of the National Discipline Scheme up-to-date;

(b) how many schools and in which States have come under this Scheme; and

(c) the programme chalked out for the Second Five Year Plan?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Rs. 9·70 lakhs upto 31st March, 1957.

(b) A statement is placed on the Table of Lok Sabha. [*See* Appendix III, annexure No. 5.]

(c) No additional programme has been worked out yet; the extension of the Scheme to Educational Institutions other than those financed by the Rehabilitation Ministry or run for displaced students is, however, under consideration of the Ministry of Education.

A.I.R. at Cuttack

*429. **Shri Sanganna:**
Shri Supakar:
Shri P. K. Deo:

Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the progress made in the scheme for the development and improvement of the All India Radio Station at Cuttack; and

(b) the total outlay on the scheme?

The Minister of Information and Broadcasting (Dr. Keskar): (a) The entire equipment for the transmitter building has been obtained from Australia and has arrived. The construction of the transmitter building is in progress. The installation of the equipment will take about three months after completion of the building.

(b) The total outlay on the scheme is estimated at Rs. 10 lakhs.

Coir-Board

*430. **Shri Kumaran:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what, if any, is the increase in the internal consumption of coir and coir products in India since the formation of the Coir Board; and

(b) what are the programmes of the Coir Board for increasing the domestic consumption of coir products?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of Lok Sabha [*See* Appendix III, annexure No. 6.]

Kanpur Cotton Mills

*431. **Shri H. N. Mukerjee:**
Shri Prabhat Kar:
Shri S. M. Banerjee:
Shrimati Renu Chakravartty
Shri Awasthi:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether negotiations are in progress with the British India Corporation in order to prevent closure of the Kanpur Cotton Mills;

(b) if so, the basis of the negotiations; and

(c) whether Government have any alternative scheme for absorbing workers likely to be discharged if the closure of the said Mills is unavoidable?

The Minister of Commerce (Shri Kanungo): (a) and (b). Yes. The Textile Commissioner, Bombay has had discussions with the Mills' management, and they have agreed to extend the notice period by another month. All reasonable facilities which can possibly be afforded to the mills to avert such closures are also being given by the Textile Commissioner, Bombay.

(c) Does not arise.

State-Trading Corporation

*432. **Shri Narasimhan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the commodities so far taken up for trade by the State Trading Corporation;

(b) the quantity and value of trading so far done, commodity-wise;

(c) whether a constant review of work and prices obtained is kept commodity-wise and comparisons made with the position before the State Trading Corporation took over these trades; and

(d) if so, whether a statement giving some information will be laid on the Table of the Sabha so as to indicate the trend?

The Minister of Commerce (Shri Kanungo): (a) and (b). A statement is placed on the Table of Lok Sabha. [*See* Appendix III, annexure No. 7.]

(c) and (d). A report on the working of the Corporation during the period ending 30th June, 1957 will be placed on the Table of Lok Sabha in due course.

Small Industries Service Institute

*433. **Shri D. C. Sharma:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Government have a proposal to locate a branch of the Small Industries Service Institute in the Punjab; and

(b) if so, where it is to be located?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). One Institute is already functioning at Ludhiana for more than a year.

स्थानीय विकास कार्य

*४३४ **श्री श्रीनारायण दास :**
श्री दोरा :

क्या **योजना** मंत्री एक ऐसा विवरण सभा पटल पर रखने की कृपा करेंगे जिसमें निम्न बातें बताई गई हों :

(क) प्रथम योजना की अवधि में स्थानीय विकास कार्य के अन्तर्गत विभिन्न राज्यों में (१) कितने काम मंजूर किये गये, (२) कितने आरम्भ किये गये, (३) कितने पूरे किये गये, और (४) कितने अभी चालू हैं ?

(ख) क्या अब यह निश्चय किया गया है कि जब तक पहले हाथ में लिये हुए स्थानीय विकास के काम पूरे नहीं हो जाते तब तक नये काम आरम्भ नहीं किये जायेंगे; और

(ग) क्या यह सच है कि इस नीति के फलस्वरूप न तो आरम्भ किये गये काम पूरे हो रहे हैं और न नये काम ही आरम्भ किये जा रहे हैं ?

योजना उपमंत्री (श्री इया० न० मिश्र): (क) एक विवरण सभा की मेज पर रख दिया गया है । **[देखिये परिशिष्ट ३, अनुबन्ध संख्या ८]**

(ख) जी नहीं ।

(ग) प्रश्न ही नहीं उठता ।

Closure of Jute Mills

Shri Raghunath Singh:
Shri Tantia:
Shri S. H. Banerjee:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that several Jute Mills have been closed in Katihar (Bihar) and Calcutta; and

(b) if so, the steps being taken by Government to re-open the Mills?

The Minister of Commerce (Shri Kanungo): (a) Government are aware of only four jute mills having closed, one of them partially, in Calcutta.

(b) No particular steps are contemplated as, by and large, the mills have arranged for the transfer of their loom hours to other mills.

Camp Colonies in West Bengal

241. Shri A. C. Guha: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether there are still any camp colonies in West Bengal;

(b) if so, the arrangement for the rehabilitation, training and employment of the people in these colonies;

(c) the amount spent on relief and administration on each colony;

(d) the total number of displaced persons in each of them;

(e) the names and locations of these camp colonies; and

(f) whether there is any scheme to turn them into rehabilitation colonies?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) to (f). The information is being collected and will be laid on the Table of Lok Sabha in due course.

Textile Mills

242. Shri A. C. Guha: Will the Minister of **Commerce and Industry** be pleased to state the present position of production and stock of textiles in—

(i) the Bombay State Mills;

(ii) Kanpur Mills; and

(iii) West Bengal Mills?

The Minister of Industry (Shri Manubhai Shah): (i) to (iii). A statement is laid on the Table of Lok Sabha. [*See* Appendix III, annexure No. 9.]

Handloom Cess Fund

243. Shri A. C. Guha: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount given to various States as loans or grants for handloom co-operatives out of the Handloom Cess Fund during 1956-57; and

(b) the total amount collected year by year since the inception of the cess fund and the total amount disbursed every year?

The Minister of Commerce (Shri Kanungo): (a) Rs. 6,88,45,140-14-0.

(b) A statement is laid on the Table of Lok Sabha. [*See* Appendix III, annexure No. 10.]

Licensing of Looms and Spindles

244. Shri A. C. Guha: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of looms and spindles licensed in West Bengal, Orissa and Bihar during the years 1954-55 and 1955-56;

(b) how many of these licenses have been utilised and the names of the firms which have failed to utilise the licenses;

(c) whether any attempt has been made to get the licenses of defaulters utilised by some other companies or firms; and

(d) whether Government have any scheme to step up the production of the eastern region of India to meet the local requirements of textiles?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of Lok Sabha. [*See* Appendix III, annexure No. 11.]

(c) The spindles released by the revocation of the licenses of defaulters, are pooled and re-distributed on an all India basis. According to the present policy ordinarily no license is granted for installation of looms.

(d) Over and above the spindles and looms allotted in the eastern region during the years 1954-55 and 1955-56, further allotment of 1,76,196 spindles released by way of revocation have been allotted to the eastern region since June, 1956. 250 looms, on special ground have been allotted for installation to the eastern region. In addition to this, Government have decided to permit installation of 35,000 power looms in the Co-operative fold of the handloom sector in the whole country for production of additional cloth. Against this, according to schemes submitted by the State Governments in the eastern regions certain power looms have already been allotted and schemes for more power looms are under consideration.

Low Income Group Housing Scheme

245. Shri Onkar Lal: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the amount allocated to Rajasthan State under Low Income Group Housing Scheme so far; and

(b) the amount spent out of that?

The Deputy Minister of Works, Housing and Supply (Shri Anil K.

Chanda): (a) The information sought is given below:—

	Amount allocated to Rajasthan (including Ajmer)	Amount disbursed
	(Rs. in Lakhs)	(Rs. in Lakhs)
1954-55 1955-56)	120.00	41.40
1956-57	57.00	56.00
1957-58	25.00	Nil so far.
	202.00	97.40

(b) The State Government have intimated that Rs. 89·57 lakhs has been spent by them upto the 30th April, 1957.

Ambar Charkha Programme

246. Shri Warior: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number and the postal addresses of decentralised Saranjam Karyalayas (State-wise) set up so far for the manufacture of Ambar Charkhas;

(b) the number of Ambar Charkhas manufactured by these Karyalayas and those which have been manufactured by the commercial firms upto 31st March, 1957;

(c) the names and addresses of the Commercial firms which have been entrusted with the manufacture of Ambar Charkhas;

(d) the reasons for entrusting this work to these Commercial firms; and

(e) the total quantity of Ambar yarn distributed to handloom weavers during 1956-57?

The Minister of Commerce (Shri Kanungo): (a) 77 Saranjam Karyalayas. The postal addresses of these Saranjam Karyalayas are given in the list placed on the Table of Lok Sabha. [*See* Appendix III, annexure No. 12.]

(b) The number of charkhas manufactured upto 31st March, 1957 are as follows:

(i) By decentralised Saranjam Karyalayas 65,767.

(ii) By commercial firms 11,017.

(c) (i) Inventors Industrial Corporation (Private) Ltd., Malad, Bombay.

(ii) Rashtriya Khadi Vikas Sangh, Taltheri Bazar, Banaras, U.P.

(d) In recommendation No. 12, the Ambar Charkha Enquiry Committee suggested that Ambar Charkhas should be manufactured on a fully decentralised basis and not in central factories. While Government accepted this recommendation in principle they agreed, as an interim measure and in deference to the needs of the immediate situation, that Ambar Charkhas might be manufactured in factories on a limited scale.

(e) 6,07,337 lbs.

Educated Unemployed

247. Shri Krishna Chandra: Will the Minister of **Labour and Employment** be pleased to state:

(a) the various modes of assistance that is rendered by Government to help educated unemployed in finding out and getting preliminary knowhow about the various small scale industries that they can engage in and the financial and other assistance that they can get from Government;

(b) whether Government have published any literature giving information thereon; and

(c) if so, whether a copy of that literature will be laid on the Table?

The Deputy Minister of Labour (Shri Abid Ali): (a) Two Work and Orientation Centres have been started on a pilot basis to assist educated unemployed to equip themselves to take advantage of avenues of employment other than white collar jobs, including small scale industries. Some small-scale production centres are also being organised for absorbing educated unemployed persons. Two such production centres have been approved during 1956-57. Fifteen more are proposed to be set up during 1957-58.

(b) and (c). No, but the main features of the scheme have been published in "Employment News" issued by the Ministry of Labour. A copy of the scheme is placed on the Table. [*See* Appendix III, annexure No. 13.]

Industrial Development of Madras

248. Shri Thangamani: Will the Minister of **Planning** be pleased to state whether Government will lay a statement on the Table of the Sabha indicating the schemes for industrial development proposed to be undertaken during the Second Five Year Plan period in Madras State under Central, State and Private auspices?

The Deputy Minister of Planning (Shri S. N. Mishra): A statement is laid on the Table of Lok Sabha. [*See* Appendix III, annexure No. 14]

Coal Mine Workers

249. Shri V. P. Nayar: Will the Minister of **Labour and Employment** be pleased to state:

(a) the total wage bills and bonus paid to Coal Mine Workers in the years 1953, 1954, 1955 and 1956;

(b) the total gross and net profits earned by the coal mining industry in the above years; and

(c) the total amount spent in each year for workers' amenities including housing?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c). The information is being collected and will be placed on the Table of Lok Sabha.

Workers of Iron and Steel Industry

250. Shri V. P. Nayar: Will the Minister of **Labour and Employment** be pleased to lay on the Table a statement showing the total wage bills and bonus paid to the Workers of Iron and Steel Industry in the years 1955 and 1956?

The Deputy Minister of Labour (Shri Abid Ali): The figures of the total wage bill and bonus paid to workers during the calendar year 1955 are given below. Similar information for the year 1956 is not available.

Year	Total Wage bill	Bonus
	Rs.	Rs.
1955	12,86,09,954 (exclusive of bonus)	2,09,79,015

NOTE:—This information is in respect of the erstwhile Part 'A' States and the three Part 'C' States of Delhi, Ajmer and Coorg, and covers only workers getting less than Rs. 200 per month.

High Tension (Porcelain) Insulators

251. Shri V. P. Nayar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the estimated total requirements and the value of high tension (porcelain) insulators for the country for the remaining period of the Second Five Year Plan;

(b) whether the demand will be met by the indigenous industry;

(c) if not, the quantity to be imported; and

(d) how many new licences have been given for factories to produce these insulators and where these factories are to be located?

The Minister of Industry (Shri Manubhai Shah): (a) 24,000 tons, approximate value being Rs. 15 crores.

(b) to (d): The existing indigenous production is much less than the demand. These schemes have recently been licensed under the Industries (Development and Regulation) Act. Two are for the establishment of new units—one each in Bihar and at Neiveli (Madras). One is for expansion of the Government factory at Bangalore. These schemes cover a total annual capacity of 5,400 tons. If these materialise, the indigenous capacity would take care of the demand to a very large extent, by the end of the Second Five Year Plan. Efforts are, however, being made to make India self-sufficient in respect of this important item.

Chemical Industries

252. Shri V. P. Nayar: Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table showing:—

(i) the present position of fine chemicals manufacturing Industry in India with details regarding production;

(ii) the number of workers employed;

(iii) the quantity of each item produced;

(iv) the extent of public Sector in Industry;

(v) the profit earned in one year;

(vi) the quantity imported in each of the main items etc.?

The Minister of Industries (Shri Manubhai Shah): (i) There are at present 15 principal manufacturers of fine chemicals in India, and a list of the fine chemicals produced in the country is laid on the Table [*See* Appendix III, annexure No. 15] The indigenous production is adequate to meet the country's demand for some of the fine chemicals and their imports are banned, and these items have been listed out in List 4 of Appendix XXVIII in the Import Trade Control Policy book for January/June 1957. One of the indigenous manufacturers has a scheme for the production of a large number of fine chemicals in collaboration with a well-known German firm and, when this materialises, the need for imports will be further reduced.

(ii) As most of the concerns are small in size and not covered by the Industries (Development and Regulation) Act and do not, therefore, submit periodical reports, figures are not available about the number of workers employed in them.

(iii) For the reason mentioned above, figures are not available regarding the quantity of each item produced;

(iv) There is no factory for the manufacture of fine chemicals in the Public Sector;

(v) Precise information is not available on this point also;

(vi) Statistics have not been separately maintained in respect of the import of each item. Apart from the large number of chemicals involved, imports are made in various grades, such as Analytical Reagents, British Pharmacopea pure, chemically pure, etc., and licences are issued only under broad headings like Chemicals, Laboratory Reagent chemicals, etc.

Heavy Chemicals

253. Shri V. P. Nayar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total value of heavy chemicals produced in India at present for each item;

(b) the value of heavy chemicals produced by the public sector, if any; and

(c) the profits earned in the manufacture of heavy chemicals in the year 1955-56?

The Minister of Industry (Shri Manubhai Shah):

N.B.—Figures are approximate.

(a)

Fertilisers	Rs. 1,570	*Lakhs*
Acids & Salts	Rs. 845	,,
Alkali & allied chemicals	Rs. 850	,,
Miscellaneous	Rs. 10	,,
Total:-	Rs. 3,275	lakhs

(b) Fertilisers and Rare Earth Salts—

Rs. 1,185 Lakhs

(c) Information is not available.

Workers of Heavy Chemicals Industries

254. Shri V. P. Nayar: Will the Minister of **Labour and Employment** be pleased to state:

(a) the wage bills and bonus paid in 1955-56 to the workers of the heavy chemicals industries; and

(b) the number of workers employed in the industry?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The figures of employment, total wage bill and bonus paid during the year 1955

are given below. Similar information for the year 1956 is not available:—

No. of Workers	Their Wage bill	Bonus paid.
	Rs.	Rs.
9708	93,72,965	4,91,633

NOTE:—This information is in respect of the former Part 'A' States and the three Part 'C' States of Delhi, Ajmer and Coorg. These figures are based on the returns under the Payment of Wages Act which applies to workers getting less than Rs. 200 per month.

Motor Vehicles

255. Shri V. P. Nayar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total number of Motor Vehicles assembled or manufactured in India in the years 1953, 1954, 1955 and 1956;

(b) the prices of different makes of passenger cars and trucks;

(c) whether it is a fact that recently there was an upward revision of prices of Hindustan "Land Master"; and

(d) if so, the reasons therefor?

The Minister of Industry (Shri Manubhai Shah): (a) A statement is placed on the Table of Lok Sabha which gives the required information *seriatim*. [*See* Appendix III, annexure No. 16]

Year	No. of vehicles
1953	13,926
1954	14,462
1955	23,084
1956	32,138

(b) the prices of the important makes are given in the annexure.

(c) Yes.

(d) Because the Hindustan Landmaster car was being sold at a loss according to the report of the Tariff Commission. The revised price shown in the annexure was intended to make up the loss partially. Government have since agreed to a further increase in price to remove the loss totally, and this price is likely to come into effect shortly.

Workers in Motor Vehicles Industry

256. Shri V. P. Nayar: Will the Minister of **Labour and Employment** be pleased to state the total wage bills and bonus paid to the workers by the motor vehicles industry in the years 1953, 1954, 1955 and 1956?

The Deputy Minister of Labour (Shri Abid Ali): A statement giving the total annual wage bills and bonus paid to workers during the Calendar years 1953 to 1955 is given below. Similar information for the year 1956 is not available.

STATEMENT

Total Wages paid by the Motor Vehicles Industry during 1953 *to* 1955.

Year	Manufacture of Motor Vehicles		Repair of Motor Vehicles	
	Total Wage Bills	Bonus	Total Wage Bills	Bonus
			Rs.	Rs.
1953	6595271*	—	4,28,07,770	
1954	7120794	483611	4,73,99,606	4,60,873
1955	4378196	61591	5,16,21,704	7,41,967

*Separate figures of Bonus are not available but for 1954 and 1955 the figures for wage bills are exclusive of bonus.

NOTE:—These figures are in respect of the erstwhile Part A States and the three Part C States of Delhi, Ajmer and Coorg. The figures are based on the returns received from the State Governments under the Payment of Wages Act which applies to workers getting less than Rs. 800 per mensem.

Jute Industry

257. Shri V. P. Nayar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total production of jute products in the years 1950-51 to 1956-57;

(b) the total profits in the above years;

(c) the total export earnings from jute for the years; and

(d) the number of workers engaged in the industry in each year?

The Minister of Industry (Shri Manubhai Shah): (a) to (d). A Statement is laid on the Table of Lok Sabha. [*See* Appendix III, annexure No. 17]

Workers in Jute Industry

258. Shri V. P. Nayar: Will the Minister of **Labour and Employment** be pleased to state the total wage bills and bonus paid to the workers by the jute industry in the year 1955 and 1956?

The Deputy Minister of Labour (Shri Abid Ali): The figures of the total wage bill and the bonus paid to workers during the calendar year 1955 are given below. Similar figures for the year 1956 are not available.

Year	Total Wage bill	Bonus paid
	Rs	Rs
1955	26,46,36,778 (exclusive of bonus)	43,294

NOTE:—This information is in respect of the former Part 'A' States and the three Part 'C' States of Delhi, Ajmer and Coorg and covers only workers getting less than Rs. 200 per month.

Trade with Yugoslavia

259. Shri D. C. Sharma: Will the Minister of **Commerce and Industry** be pleased to state the value of goods imported from Yugoslavia during 1956-57?

The Minister of Commerce (Shri Kanungo): The value of imports from Yugoslavia during 1956-57 (April-December) is Rs. 172 lakhs.

Pilgrims from Pakistan

260. Shri D. C. Sharma: Will the **Prime Minister** be pleased to state:

(a) the number of pilgrims from Pakistan who attended the religious fairs in India during this year; and

(b) the facilities provided for the pilgrims by the Government of India?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) About 2500.

(b) The pilgrim parties were provided with special facilities in regard to transport, board and lodging.

N.E.F.A.

261. Shri D. C. Sharma: Will the **Prime Minister** be pleased to state:

(a) the development works proposed to be undertaken in North East Frontier Agency area during 1957-58; and

(b) the amount proposed to be spent during the same period?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) The development work proposed to be undertaken during 1957-58 covers the following fields:—

1. Engineering.
2. Agriculture and Animal Husbandry.
3. Forestry.
4. Community Development and National Extension Services.
5. Medical and Public Health.
6. Education.
7. Cottage Industries.
8. Research.
9. Publicity.
10. Co-operation.

(b) Rs. 100·63 lakhs. I may add that Government are considering a further review of the programme

Pakistan Violation of Indian Territory

262. { **Shrimati Tarkeshwari Sinha:** / **Shri D. C. Sharma:**

Will the **Prime Minister** be pleased to state:

(a) the number of Pakistani violations of Indian territory during the year 1956-57;

(b) the number of persons killed and the amount of property destroyed by the violations; and

(c) the compensation, if any, paid by the Pakistan Government?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). During the year 1956-57, Pakistanis committed 369 violations of Indian territory. As a result of these violations, 8 Indian nationals were killed, 20 injured, 159 kidnapped and 1450 heads of cattle taken away. Property worth about Rs. 1,54,267/14/- was lost during these violations.

(c) Compensation was claimed in one case only. Pakistan Government's reply is awaited.

Border Raids

263. { **Shri D. C. Sharma:** / **Shri Jhulan Sinha:**

Will the **Prime Minister** be pleased to state:

(a) the number of raids carried out by Pakistan into the Indian side of the cease-fire line in Kashmir from the 1st of September, 1956 to the end of April, 1957;

(b) the loss of life and property caused by these raids; and

(c) whether any relief had been given to the sufferers from these raids?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) There were 27 incidents of "cease fire violations" and raids. In these incidents 60 Indian nationals were kidnapped and 36 heads of cattle taken away. Efforts for their return are being made.

(b) There was no loss of life.

(c) Does not arise.

Slums Clearance in Punjab

264. Shri D. C. Sharma: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether Punjab Government have submitted any scheme for the clearance and improvement of slums in Punjab State; and

(b) if so, the details thereof?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) The Punjab Government have not so far submitted any Scheme for the clearance or improvement of slums in the Punjab.

(b) Does not arise.

Industrial Housing

265. Shri D. C. Sharma: Will the Minister of **Works, Housing and Supply** be pleased to state the position at present with regard to the provision of housing accommodation under the Subsidized Industrial Housing Scheme to industrial workers employed in Government undertakings in public sector?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): The Subsidised Industrial Housing Scheme provides primarily for grant of financial assistance for construction of houses for industrial workers in the private sector. However, such Central or State Government undertakings as are liable to income tax on the whole or part of their earnings are also eligible for aid under the Scheme for construction of houses for their workers. Other Government undertakings usually have their own separate housing schemes as part of the project concerned.

The Subsidised Industrial Housing Scheme came into operation in September, 1952. Up to the 30th April, 1957 the Central Government sanctioned financial assistance totalling Rs. 25·29 crores against various projects of State Governments, Cooperatives and private employers for construction of 89,408 houses. Out of this, financial assistance amounting to Rs. 35·28 lakhs was sanctioned from September, 1952 to the end of April, 1957 for construction of 3,228 houses by those Central or State Government undertakings which were liable to pay income tax on the whole or part of their earnings.

Slum Improvement and Housing Schemes

266. **Shri D. C. Sharma:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Bombay Corporation has made proposals through the State Government for:

(1) Slum Improvement;

(2) Housing Scheme for pavement dwellers; and

(3) Subsidized Industrial Housing Scheme; and

(b) what action Government is taking thereupon?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) (1) Yes.

(2) and (3). No.

(b) One Scheme for Slum Clearance in the Kamathipura area of Bombay City was received from the Bombay Corporation in December, 1956. The Scheme was examined and discussed with representatives of the Bombay Government and of the Corporation. In the light of the discussions the State Government were asked to revise the Scheme. Their revised proposals are awaited.

Copper Mine Labourers

267. **Shri D. C. Sharma:** Will the Minister of **Labour and Employment** be pleased to state:

(a) the number of labourers working in the copper mines in India (State-wise);

(b) the daily wages paid to them;

(c) the average number of days in a year they are at work; and

(d) the provision regarding their Provident Fund and holiday on Sunday?

The Deputy Minister of Labour (Shri Abid Ali): (a) 4070 in Bihar which is the only State in India where there are copper mines governed by the Mines Act, 1952.

(b)

Category of workers	Average daily earnings
Underground	
Foremen and mates	Rs. 9.45
Skilled labour	Rs. 3.41
Unskilled labour	Rs. 2.36
Surface	
Clerical Staff	Rs. 6.19
Skilled labour	Rs. 3.75
Unskilled labour	Rs. 2.36
Female	Rs. 2.16

(c) Information is not available.

(d) The workers are not at present covered by the Employees Provident Fund Scheme. Information is not available wheher any of these mines have got their own Provident Fund Schemes.

Under the Mines Act, 1952, workers employed in copper mines are eligible to weekly holiday on any one day of the week.

Arecanut

268. Shri Wodeyar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total quantity of arecanut imported during the year 1956-57 (Country-wise);

(b) the quantity of arecanut exported during the same period; and

(c) the acreage of arecanut plantation in India (State-wise) at present and the number of holders of these plantations?

The Minister of Commerce (Shri Kanungo): (a) and (c). Two statements are placed on the Table. [*See* Appendix III, annexure No. 18]

(b) 4026 Cwts. (March '56 to Jan. '57).

Enemy Property

269. Shri Biren Roy: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total amount in rupees held by the Custodian of Enemy Property (World War II) in the shape of (i) cash and securities and (ii) other properties; and

(b) the policy of Government in respect of cash and securities of German nationals still held by the Custodian?

The Minister of Commerce (Shri Kanungo): (a) (i) about Rs. 6 crores.

(ii) about Rs. 79,000.

(b) The policy is under consideration.

Unemployment in Orissa

270. Shri Panigrahi: Will the Minister of **Planning** be pleased to state:

(a) whether any amount has been given to Orissa during the First Five Year Plan to relieve unemployment in the State;

(b) the details of the schemes which were prepared by the State Government for consideration of the Government of India; and

(c) the success achieved in relieving unemployment in Orissa during the First Five Year Plan?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) to (c). A statement is laid on the Table of Lok Sabha. [*See* Appendix III, annexure No. 19]

Low Income Group Housing Scheme

271. Shri Panigrahi: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the amount allocated to Orissa under Low Income Group Housing Scheme so far; and

(b) the amount spent?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) The information sought is given below:

	Amount allocated to Orissa (Rs. in lakhs)	Amount disbursed (Rs. in lakhs
1954-55		
1955-56	3.00	3.00
1956-57	15.00	15.00
1957-58	10.00	(Nil so far)
	28.00	18.00

(b) The State Government had spent Rs. 18,04,550 up to the 30th April 1957.

Co-operative Textile Mills

272. Shri K. G. Deshmukh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) how many applications Government have received for the grant of licences to open Co-operative Textile Mills during the year 1956-57; and

(b) how many licences have been granted during the above period, State-wise?

The Minister of Commerce (Shri Kanungo): (a) 12 applications for licences for the establishment of Co-operative Textile Mills were received and considered during the year 1956-57.

(b) A statement is laid on the Table. [*See* Appendix III, annexure No. 20]

Employment Exchanges in India

273. Shri P. N. Kayal: Will the Minister of **Labour and Employment** be pleased to state:

(a) the number of Employment Exchanges in India;

(b) how many of those are in the Sub-Divisional towns; and

(c) if there are no Employment Exchanges in Sub-Divisional towns whether the Government of India would consider the proposal in view of the fact that rural people are put to great disadvantage to have their names registered in the existing Exchanges of big towns?

The Deputy Minister of Labour (Shri Abid Ali): (a) 152.

(b) 11. Besides there are 26 Sub-Offices.

(c) Under the Scheme for Expansion of Employment Service, it is proposed to open Employment Exchanges in all the Districts during the Second Five Year Plan period. The location of an Exchange is based on the size of the population, local industries, stability of employment and the number of unemployed persons to be served. The Exchanges are opened by the State Governments in consultation with the Central Government and efforts are made to cover urban and rural areas of the State.

Employment Exchanges, Orissa

274. Shri Sraddhakar Supakar: Will the Minister of **Labour and Employment** be pleased to state:

(a) the number of persons registered with the employment exchanges in Orissa State in 1956; and

(b) the percentage of persons registered who have been provided with employment?

The Deputy Minister of Labour (Shri Abid Ali): (a) 31,683.

(b) 11·9 per cent.

Khadi Gramodyog Bhavan, New Delhi

275. Shri A. K. Gopalan: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any housing facility for the employees of the Khadi Gramodyog Bhavan, New Delhi; and

(b) if not, what steps the All India Khadi and Village Industries Commission propose to take in this direction?

The Minister of Commerce (Shri Kanungo): (a) No, Sir.

(b) The employees of the Khadi Gramodyog Bhavan, New Delhi are mostly recruited from among local residents and are expected to have or make their own arrangements for residential accommodation. The Commission has, therefore, no immediate proposal in this direction.

Allotment of Quarters to Government Employees

276. Shri S. C. Samanta: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of cases where houses allotted in regular and out-of-turn allotments to Government employees were not occupied by them during the last four years in New Delhi and Calcutta, separately;

(b) the reasons put forward by them for not occupying those houses;

(c) whether it is a fact that in some cases some employees were on leave at the time when the houses were allotted;

(d) if so, whether their cases were reconsidered when they returned from leave; and

(e) if not, whether they were debarred for six months for allotment and house-rent allowance was also stopped?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Delhi and New Delhi: 12,842 officers either refused allotment or failed to avail themselves of the offer of allotment.

Calcutta: The required information is not readily available.

(b) It is not obligatory for the allottees to give reasons for refusal. The reasons generally given are sickness in the family, education of children and distance of allotted residences.

(c) Yes.

(d) and (e). According to standing instructions, officers who proceed on leave are required to authorise someone to look after their interests in the matter of allotment during their absence. If they fail to do so and the allotment made in their absence is not accepted, they are normally debarred for a period of six months and also deprived of house rent allowance for the period. Representations, if any, from such officers are considered on the merits.

PAPERS LAID ON THE TABLE

Appropriation Accounts (Civil) and Audit Report (Posts and Telegraphs)

The Minister of Finance (Shri T. T. Krishnamachari): Sir, I beg to lay on the Table, under Article 151(1) of the Constitution, a copy of each of the following papers:—

(1) Appropriation Accounts (Civil) 1954-55 (including proforma commercial accounts) and the Audit Report 1956—Part II.

[*Placed in Library. See* No. S-56/57.]

(2) Audit Report (Posts and Telegraphs) 1957—Part I.

[*Placed in Library. See* No. S-57/57.]

Amendment to Registration of Newspapers (Central) Rules

The Minister of Health (Shri Karmarkar): Sir, on behalf of Dr. B. V. Keskar, I beg to lay on the Table, under sub-section (2) of Section 20-A of the Press and Registration of Books Act, 1867, a copy of the Notification No. S.R.O. 1268 dated the 20th April, 1957 making certain amendment to the Registration of Newspapers (Central) Rules, 1956.

[*Placed in Library. See* No. S-58/57.]

Report of the Indian Delegation to the 39th Session of the International Labour Conference

The Deputy Minister of Labour (Shri Abid Ali): Sir, I beg to lay on the Table a copy of the Report of the Indian Government Delegation to the 39th Session of the International Labour Conference held at Geneva in June, 1956.

[*Placed in Library. See* No. S-59/57.]

Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules

Shri Abid Ali: Sir, I beg to lay on the Table, under sub-section (3) of Section 20 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, a copy of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957.

[*Placed in Library. See* No. S-60/57.]

Notifications issued under Sea Customs Act

Shri T. T. Krishnamachari: Sir, I beg to lay on the Table, under sub-section (4) of Section 43-B of the Sea Customs Act, 1878 as inserted by the Sea Customs (Amendment) Act, 1953, a copy of each of the following Notifications:—

(1) Notification No. S.R.O. 1298 dated the 27th April, 1957.

(2) Notification No. S.R.O. 1299 dated the 27th April, 1957 containing Customs Duties Drawback (Pipe and Cigarette Tobacco) Rules, 1957.

[*Placed in Library. See* No. S-61/57].

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

"In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Provisional Collection of Taxes (Temporary Amendment) Bill, 1957, which was passed by the Lok Sabha at its sitting held on the 20th May, 1957, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

ARREST OF MEMBER

Mr. Speaker: I have to inform the House that I have received the following telegram dated the 25th May, 1957, from the Additional District Magistrate, Kanpur City:—

"I have the honour to inform you that Shri Jagdish Awasthi, Member, Lok Sabha, was arrested under section 188 I.P.C. at 2-0 p.m. today at Kanpur, for defying the prohibitory order under section 144 Cr. P.C. issued by the District Magistrate on the 9th May, 1957. He is at present on his way to the District Jail, Kanpur where he will be lodged."

STATEMENT *RE*: ACCIDENT AT THE CORONATION PILLAR SEWAGE TREATMENT PLANT

The Minister of Health (Shri Karmarkar): Mr. Speaker, it is with profound regrets that I have to report to the House that seven workmen employed by Messrs. Duncan Stratton & Co., who are the contractors of the Joint Water & Sewage Board, for the construction of the sludge digesters at the Coronation Pillar Sewage Treatment Plant, were the victims of a fatal accident on the evening of Saturday the 25th inst. The circumstances of the accident as reported by the Chairman of the Board are as follows:—

There are three sludge digesters, forming part of the sewage disposal plant—two of which were put into commission in the month of March. The third digester was being tested by the firm for leakages during the last few days prior to its being put into operation. The inside of the tank was empty, except for a couple of feet of effluent in the conical pit at the bottom of the tank, which could not be emptied completely on account of the sub-soil water getting in through the values. Workmen had been going in and out of the tank in connection with the test and for the purposes of cleaning the inside on the 22nd, 23rd, 24th and even on the 25th of May, until the accident took place. During all this time, compressed air was being pumped into the tank to dispel noxious gases from the chamber. The labourers also had instructions to go out every few minutes to breathe fresh air and to take rest.

At 4 p.m. on Saturday, a workman, who had been working inside for some time failed to come out as usual. His colleagues became anxious for his safety and decided one after another to go down the rope ladder from the manhole to the bottom of the tank to rescue him. Altogether seven men had thus gone down the rope ladder suspended from the manhole never to return, before it dawned upon the remaining workers that some serious mishap had taken place. The remaining men then raised an alarm and the contractors' engineers as well as the engineers of the Joint Water and Sewage Board, who were supervising other operations in connection with the construction of the plant a few yards away rushed to the top of the chamber. They concluded that the

seven men had fainted inside the chamber. It appears that some noxious gases emanating from an undetected pocket of sludge which had suddenly become activated on account of high temperature had over-powered the men. The police and the fire brigade were sent for and shortly afterwards military help was also requisitioned for the purpose of rescue of the trapped men. Compressers were employed for breaking the lower portion of the 24 inch concrete wall of the tank. About six hours later the bodies of the missing workmen were extricated, from the floor of the digestors and they were sent to the mortuary.

There is always some risk attendant on operations connected with sewers and sewage tanks, but such risks are minimised by the precautions already mentioned, namely rapid changes of shifts and the constant blowing in of air. There are on record cases of men fainting while engaged in cleaning even open sludge tanks. This accident resulting in the loss of seven lives, however, is certainly one of the most serious of its kind. Senior Officers of the Joint Water and Sewage Board reached the spot immediately on getting information of the accident and supervised the rescue operations till the early hours of the morning.

I paid a visit to the scene of the accident on Sunday morning with Sarvashri V. K. B. Pillai and S. Mullick, the Secretary and Joint Secretary of my Ministry and Shri Radha Raman, Member of Parliament. Shri A. D. Pandit and Shri Mehta, the Chairman and Engineer-Secretary of the Joint Water and Sewage Board were also present. In a brief conference it was decided that an *ex-gratia* payment of Rs. 200/- should be paid to each bereaved family to enable them to meet immediate necessary expenses. The Joint Water and Sewage Board have accordingly sanctioned such payment. The families will, of course, receive from the contractors full compensation under the Workmen's Compensation Act. It was also decided to have an immediate enquiry made into the causes of the disaster. A First Class Magistrate has accordingly been detailed by the Chief Commissioner, Delhi, to make such an enquiry and he will be assisted by two experts nominated by the Ministry of Health.

I should like to assure the House that the causes of the mishap will be fully examined and all possible necessary steps taken to prevent the recurrence of such accidents in future.

Shrimati Renu Chakravartty (Bashirhat): May I ask one question? While we await the special Magisterial enquiry, may we know whether gas masks are going to be used immediately for any such work which will necessitate workers' going down these pipes? This is a thing that has happened in Calcutta. Three lives were lost a few years ago. At that time, it was promised that gas masks would be given. They have not yet been given. In another big city, in the metropolis of India, the same thing has happened and seven lives lost. While we wait for the enquiry, may we know whether Government are immediately ordering that all who go down these pipes will be given gas masks in order to eliminate any danger to their lives?

Shri Karmarkar: The Magistrate's report should not take more than a couple of days or three days, and as I said, it will go principally into the causes of the disaster. Later on we propose if necessary to go into a more technical enquiry about the matter to advise ourselves as to better steps to prevent the recurrence of such mishaps. And for the time being we do not propose to send any man except under conditions of complete protection.

Shrimati Renu Chakravartty: That means that Government is not taking any immediate steps to ensure that the lives of these people are protected. Whether the magisterial enquiry takes

[Shrimati Renu Chakravartty]

place or not, certain steps like providing gas masks may be provided for.

Mr. Speaker: Are gas masks very costly?

Shri Karmarkar: I have explained to the House what happened as a matter of fact. The tank does not need to be regularly treated as it were. We just wanted to see whether it required any repairs. So far as my information goes, that has been done, and unless it is absolutely necessary there is no question of sending any people hereafter. It is not like an ordinary sewage carrier. It is a tank which has been tested. I should not say anything which I am not sure is correct, but the thing is maybe it may take some time to train the workers in using the gas masks. Therefore, I said all possible protective measures will be taken, and if gas mask is necessary, we shall certainly adopt it, but if there is likely to be any danger because people do not know how to use it, then it will be another question.

Mr. Speaker: In the meanwhile nobody will be sent to run the risk.

RESERVE BANK OF INDIA (AMENDMENT) BILL AND STATE BANK OF INDIA (AMENDMENT) BILL—*contd.*

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri T. T. Krishnamachari on the 24th May, 1957, namely:

> "That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

Also further consideration of the following motion moved by Shri T. T. Krishnamachari on the 24th May, 1957, namely:

> "That the Bill further to amend the State Bank of India Act, 1955, be taken into consideration."

Shri T. T. Krishnamachari was in possession of the House.

Time allotted is 2 hours, time taken already is 1 hour 31 minutes, balance is 29 minutes or 30 minutes.

The Minister of Finance (Shri T. T. Krishnamachari): I would like to mention at the outset my gratification because of the fact that a very large number of hon. Members of this House evince an interest in the working of the banking structure in India, and it is good that they have spoken freely about what they consider to be the defects that now exist.

One of the subjects on which some attention was focussed was this question of a new institution that is being incorporated by the provision of medium-term credit facilities for industries. The question necessarily was whether there was a need for a proliferation of such institutions because there is already the Industrial Finance Corporation with its State counterparts in various States, and another private institution called the Industrial Credit and Investment Corporation; whether under these circumstances there is need for another institution, having in view the fact that the I.F.C. itself when it was incorporated was intended to give credit both for long-term and medium-term to industries. In actual practice it was found that the I.F.C. was catering mainly to long-term needs of industry. The other fact that hon. Members have to bear in mind is that at the time we started the I.F.C. our vision was somewhat narrow. We did not expect an industrial development such as the one that we now contemplate, and during the First Plan period the progress has been considerable in the industrial field as is witnessed by production figures. Therefore, it was generally felt that one institution was not adequate. So far as the I.C.I.C. is concerned, it fills a very small part of the needs, and is a private institu-

[illegible] I have been thinking for some

time about the need for an institution to serve the purposes that are filled in other countries by discount houses or issue houses, namely to provide finances for new industries to be started which will not ordinarily attract equity capital, but which can attract equity or debenture capital when it goes into production. The market trends have also been particularly noticeable owing to the fact that while capital was shy in regard to new equity issues, capital was available for issues by existing concerns or debenture issues by existing concerns. It, therefore, becomes apparent that the investor is not willing to wait for any period of time until he gets a return, and he would rather go in for such issues as would promise him a return almost within the end of the year. That is a very significant fact in the monetary apparatus in so far as industrial needs are concerned.

There is, undoubtedly, need for an institution which will provide medium-term credit for industries to be started, keep the credit going until such time as the industry goes into production, and then on the strength of their record of production, it will be possible for them to go to the equity market and call for subscriptions or, even for that matter, go into the debenture market and assure the subscribers of the debentures of their capacity to service the debentures and to repay the debentures after a period of time.

There is another factor which is not normally understood, I think, both in this country and elsewhere, and that is in regard to the concessions that Government are giving to industries, which do help liquidation of medium-term debentures, once the industry goes into production, namely the rather liberal depreciation allowances and the development rebates that we are giving. These will certainly go to help amortise any debenture loan that people might take, once the company goes into production. It is a question of juxtaposing all these factors which are there, and, therefore, it is apparent that we should use such facilities as we have to provide a medium-term finance institution.

Some hon. Members referred to complaints about nepotism, favouritism and all that sort of thing. I have felt that an institution where businessmen are directors oftentimes stifles the initiative of an applicant for loan. If one director were interested in the production of certain types of chemicals, say, caustic soda, he would not favour the granting of a loan to a new concern which wants to manufacture caustic soda; and maybe, another is interested in another chemical, and he more or less wants the conditions of the loan to be rather stringent.

That is why we have felt that any institution of this nature which we start for provision of medium-term credit should not have any interests associated with it. It is proposed that in the new institution that we are starting, there will only be bankers; that is, a professional banker will be associated, and the granting of the loan itself would be a matter for the banker, because once the bank decides to grant a loan and wants to discount that paper with the re-finance corporation which will be there, the re-finance corporation would undoubtedly go into the question of the solvency of the banker and also the need for the particular industries for which the banker wants to give credit.

The idea is something novel, so far as we are concerned, but I have no doubt in my mind, and I have been assured by my advisers that there is need for an institution of this nature. While we wanted to start it and we were looking about for funds, the offer of the American Government under the PL-480 agreement provided us the necessary momentum to go ahead with it. I can assure hon. Members that this will not in any way cripple the style of other financing institutions, but it is an institution

[Shri T. T. Krishnamachari]

intended strictly for the purpose of providing medium-term loans for medium-size industries. It is intended that the loan that should be given should not be more than Rs. 50 lakhs; and it will very largely be a policy which will be approved by the Reserve Bank who will bear in mind the industrial policy which is the basis of the Plan.

Therefore, I think there is need for such an institution. While I am glad that hon. Members have evinced interest in this matter, I have no doubt that the institution, once it is started will go to help towards the industrialisation of this country in desirable channels.

Shri Prabhat Kar asked, 'Why do you bring in exchange banks here?'.

I might ask him the question, 'Why not?'. He seems to think that the exchange banks are people who have capital elsewhere and, therefore, their profits are not available for nationals in this country, and hence they should not be brought in. The fact really is that the exchange banks do finance industry to a lage extent and they are helpful in a large number of circumstances.

Another point was made by another hon. Member on this side of the House that existing financial institutions like banks were controlled by groups. That is a very valid point, and I think the exchange banks not being controlled by any groups and having necessarily one idea, of making a reasonable amount of profit for their money, serve a very useful purpose. I might relate my own experience about 36 or 37 years ago when I could not get any credit from any of the the Indian banks and certainly no credit from the then Imperial Bank, which was very imperial, controlled by foreigners. I was helped to eke out a living merely because of the spirit of accommodation of some of these exchange banks who lent money not because I had the worth but because they thought I was likely to be reasonably honest if money was lent to me. Even today from the way in which they are being operated, the exchange banks fulfil a very useful purpose, to my knowledge.

Of course, there are also other benefits. They can bring in money, if money becomes tight here, and cheap in their own countries, which, unfortunately does not happen today. But I see no reason for excluding them because they fall in line with the policy of Government and the Reserve Bank. I think we should be denying Indian industry a very useful channel for affording credit facilities by excluding them from the operation of this Corporation.

Shri Prabhat Kar (Hooghly): My only objection was that their profits went out of India.

Shri T. T. Krishnamachari: The question of profit is, to my mind, comparatively small. I get my income-tax from their earning and, therefore, to me they serve a very useful purpose. The persons who pay income-tax under the present rates for foreign companies and their branches and subsidiaries give me a very valuable addition to the earnings of the exchequer and that alone is a justification for me to ignore the profit aspect of it.

My hon. friend, Shri Mohiuddin, in the course of a very well-informed speech, had a little confusion about the role of the Reserve Bank. It is my intention that the Reserve Bank should remain a bankers' bank, that the Reserve Bank should be the eyes and ears of the Government of India, that the Reserve Bank should be the topmost financial institution in this country controlling practically every movement in finance, and it should be divested of what might be called the day to day banking work. In fact, I have some idea of coming before the House later on to transfer some of these functions of the Reserve Bank, which are in

the nature of pure commercial or co-operative banking, to the State Bank. At the time the Reserve Bank Act was passed, we did not have a commercial bank in our hands, and in order to provide for agricultural credit and other types of credit for co-operative and other institutions, we were using the agency of the Reserve Bank. It built up a fair amount of credit facilities in this sector. But we want a considerable expansion of it. Now that we have a commercial bank, it can also have a non-commercial side or a side which is not purely commercial, namely, the developmental side. It could, in my view, take over the function of lending to co-operative institutions, to agriculture and to small-scale industries with the prospect of their expanding very rapidly, as we want them to expand.

So it is my intention some time later to come before the House with a suitable amendment which will not in any sense detract from the importance of the Reserve Bank, but will certainly leave the Reserve Bank free from certain types of minor work which is not its legitimate duty. In fact, there are many other matters in which the Reserve Bank is taking a great deal of interest, and it is my intention to make the Reserve Bank the supreme adviser to Government in all matters of money, credit and banking.

Some mention was made about the production of luxury goods. The policy that will be laid down in regard to general credit matters has been before Government for some time and I have no doubt that the appropriate Ministry would be able to say what are the goods that will be treated as luxury goods and what not. Oftentimes it happens that in inflationary situation the index in certain quarters is rising and there must be some let-out valve. Maybe some type of goods which we consider as luxury may be necessity. I do not know I have not much experience of it. But I think that a woman who is starving of many needs usually, polishes her nails and puts on vermilion on it and, perhaps, uses the lipstick. It is not something which is a luxury because our women are accustomed to paint their hands and nails with henna before. Maybe it is a let out. I have found that these fashions have spread even to the hamlets now. So, what we consider from here, from an individualistic point of view, a luxury may not be a luxury to the people there who may want some necessities. There is no yardstick completely to define luxuries and necessities. But, in the main, the assistance that will be provided by these institutions or institutions controlled by Government will be towards furthering the Plan effort and not in directions where there will be no material contribution to the fulfilment of the Plan.

Mention was made about hire-purchase. Though the powers are being given, the present scope is limited more or less to motor trucks which I have found—and my information has been corroborated by what the Reserve Bank of India has investigated and found—that we have need for increasing the number of vehicles on the road, but this question of finance is a bottleneck. I am told that even an eighteen months' credit would be useful in this direction.

But what should we do in future, whether we should limit it to particular articles will depend from time to time on what we tell the Reserve Bank and what the Reserve Bank chooses to do. We might consider the refrigerator a luxury but it is not in the case of a man who has got a hotel. I may also say that in future when we are able to build houses, maybe a housewife would like to have a refrigerator because it stops waste of food. So, this question of on what type of articles the hire-purchase aid should be given will have to be decided from time to time. But, for the present, there is undoubtedly

[Shri T. T. Krishnamachari]

need for some kind of credit facilities so far as motor transport is concerned—so far as motor public transport is concerned.

The hon. member, Shri Tayabji had made certain remarks so far as any control exercised by the Reserve Bank over the State Bank is concerned. It is there because most of the shares of the State Bank are held by the Reserve Bank.

The question of high denomination notes raises certain queries. The facts are simple. The 1946 Ordinance declared that denominations above Rs. 100 would cease to be legal tender from 12-1-46. The time was extended up to end of February, 1947. After that there have been no applications. But, there might have been cases where high denomination notes were deposited with the courts or the Police before 12-1-46. These cases cannot, therefore, be treated as closed and claims come up. They have to be examined on merit. There are also a few cases where parties went to court against the Central Government's refusal to grant exchange of high denomination notes. The decisions in all these cases have not been made and that is why we want to strengthen ourselves by this amendment and also make the total amount of note issue something real.

That is about all that I have to say.

Mr. Speaker: The question is:

"That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That the Bill further to amend the State Bank of India Act, 1955, be taken into consideration."

The motion was adopted.

Mr. Speaker: There do not appear to be any amendments so far as the Reserve Bank Bill is concerned. Therefore, I shall put all the clauses to the vote of the House together.

Mr. Speaker: The question is:

"That clauses 2 to 5 stand part of the Bill."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri T. T. Krishnamachari: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Speaker: Now we shall take up the clause by clause consideration of the State Bank of India Bill.

Clauses 2 and 3

Mr. Speaker: The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4

(*Amendment of section 33*)

Shri T. T. Krishnamachari: Sir, I beg to move:

Page 2,

in lines 19 and 20,—

for "on the recommendation" *substitute* "subject to the directions."

This is a very simple amendment. The Central Board of the State Bank are the controlling institutions and they need not recommend; they give directions. That is why the amendment has been made.

Mr. Speaker: The question is:

Page 2,

in lines 19 and 20,—

for "on the recommendation" *substitute* "subject to the directions."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 4 as amended stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

Mr. Speaker: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

Shri T. T. Krishnamachari: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

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*DEMANDS FOR EXCESS GRANTS —1953-54

Mr. Speaker: The next item is the Demands for Excess Grants for 1953-54.

DEMAND NO. 1—MINISTRY OF COMMERCE AND INDUSTRY

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 13,999 be granted to the President to make good the amount spent during the year ended the 31st day of March 1954 in respect of 'Ministry of Commerce and Industry' ".

DEMAND NO. 25—MISCELLANEOUS EXPENDITURE UNDER THE MINISTRY OF EXTERNAL AFFAIRS

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 1,81,526 be granted to the President to make good the amount spent during the year ended the 31st day of March 1954 in respect of 'Miscellaneous Expenditure under the Ministry of External Affairs' ".

DEMAND NO. 32—PAYMENTS TO OTHER GOVERNMENTS, DEPARTMENTS ETC. ON ACCOUNT OF THE ADMINISTRATION OF AGENCY SUBJECTS AND MANAGEMENT OF TREASURIES

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 573 be granted to the President to make good the amount spent during the year ended the 31st day of March 1954 in respect of 'Payments to Other Governments, Departments etc. on account of the Administration of Agency Subjects and Management of Treasuries' ".

DEMAND NO. 37—SUPERANNUATION ALLOWANCES AND PENSIONS

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 8,51,416 be granted to the President to make good the amount spent during the year

*Moved with the recommendation of the President.

[Mr. Speaker]

ended the 31st day of March 1954 in respect of 'Superannuation Allowances and Pensions'."

DEMAND NO. 40—MISCELLANEOUS ADJUSTMENTS BETWEEN THE UNION AND STATE GOVERNMENTS

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 39,643 be granted to the President to make good the amount spent during the year ended the 31st day of March 1954 in respect of 'Miscellaneous Adjustments between the Union and State Governments'."

DEMAND NO. 50—PUBLIC HEALTH

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 1,58,10,262 be granted to the President to make good the amount spent during the year ended the 31st day of March 1954 in respect of 'Public Health'".

DEMAND NO. 53—CABINET

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 1,30,850 be granted to the President to make good the amount spent during the year ended the 31st day of March 1954 in respect of 'Cabinet'".

DEMAND NO. 104—OTHER CIVIL WORKS

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 10,71,297 be granted to the President to make good the amount spent during the year ended the 31st day of March 1954 in respect of 'Other Civil Works'".

DEMAND NO. 126—CAPITAL OUTLAY OF THE MINISTRY OF HEALTH

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 17,53,179 be granted to the President to make good the amount spent during the year ended the 31st day of March 1954 in respect of 'Capital Outlay of the Ministry of Health'".

DEMAND NO. 128—CAPITAL OUTLAY ON BROADCASTING

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 8,22,014 be granted to the President to make good the amount spent during the year ended the 31st day of March 1954 in respect of 'Capital Outlay on Broadcasting'".

The Minister of Finance (Shri T. T. Krishnamachari): The provocation for this is, as hon. Members know, the Appropriation Accounts for 1953-54 have been examined by the Public Accounts Committee and they in their 24th report recommended that necessary grants be made by Parliament to regularize the expenditure incurred in excess of the granted and appropriation made during 1953-54.

I would like to say that out of a total of 161 Grants and Appropriations for the year, excesses have occurred only in 18 cases and the total excess being Rs. 3·18 crores against the final grants and appropriation of Rs. 2536 crores, that is only a fractional percentage. Further, the actual expenditure resulted in a net saving of Rs. 202 crores for the year as a whole. Thus, the excesses under individual Grants and Appropriations were more than counter-balanced by the savings under other Grants and Appropriations.

So far as what has been done is concerned, it is all in the Order Paper.

The only thing that I would like to mention is about the question of time-lag. Up to the year 1952-53 the Appropriation Accounts for Grants and Appropriations which were exceeded and the rest were prepared

together with the result that the delay in the compilation of the whole accounts also delayed the presentation of the Demands for Excess Grants and consequently their regularization by the Parliament. To avoid this time-lag it was decided in consultation with the Comptroller and Auditor General that the Appropriation Accounts for the Demands and Appropriations which have been exceeded will be prepared in advance of the main accounts so as to admit of their consideration by the Public Accounts Committee in advance. Following this suggestion the excesses for 1953-54 were extracted in advance and dealt with by the P.A.C. in their Twenty-fourth Report in anticipation of the main report. It may be added that considerable progress has since been made in expediting the closing of the accounts and the compilation of the Appropriation Accounts. The Appropriation Accounts for 1954-55 have been presented to Parliament today.

Mr. Speaker: Hon. Members having cut motions in their names may move them.

Urgent need for improvement of the Broadcasting stations at Madras and Trichinopoly.

Shri Tangamani (Madurai): I beg to move:

> 'That the demand for an Excess grant of a sum of Rs. 8,22,014 in respect of Capital Outlay on Broadcasting be reduced by Rs. 100.'

In moving this cut motion, I would like to submit that the stations at Madras and Trichinopoly have gained importance in view of the proximity to South East Asian countries. We have been supplied with reports from the Ministry of Information and Broadcasting for the year 1956-57 and the review of the working of the First Five Year Plan also is given. In the review of progress of the All India Radio, during the First Five Year Plan for strengthening the transmission net-work of the A.I.R., the first Development plan sanctioned...

Mr. Speaker: This is out of order.

Shri T. T. Krishnamachari: The cut motion is not in order as it does not provide an opportunity for discussing questions of policy which apparently the hon. Member is raising.

Shri Tangamani: With regard to 1953-54, when there has been a sanction of Rs. 3-1|2 crores for the development of broadcasting stations at Madras and Trichinopoly, there has been considerable delay. And there has been a proposal to construct a 100 k.w. short wave transmitter station at Avadi in Madras and also it was proposed to construct the same during the First Plan period itself. It has not been completed even during the Second Five-Year Plan period.

Mr. Speaker: Hon'ble Members are aware that with respect to cut motions no point could be raised relating to a policy when a certain policy has already been adopted, and the General Demand on the Budget has been granted by the House. A full discussion was allowed then. Hon'ble Members are entitled to say that a particular excess ought not to have been spent. That is all. That comes under the scope of this particular Bill.

Shri Tangamani: I am speaking about the capital outlay, Sir. The amount that was voted upon was for the construction of the Transmitter station.

Mr. Speaker: The Hon'ble Member wants to say that the amount has been spent in excess but not spent on Madras.

Shri Tangamani: That is the point. Although the broadcasting station was shifted from Egmore to the place opposite the Madras beach and although there was a proposal for developing and installing the transmitter station at Madras, nothing has been done so far. Even as late as 1957 we

[Shri Tangamani]

were told that the construction was not completed. Another point that I would like to mention here is this. So far as Thiruchirapalli is concerned, no steps have been taken either for renovating the new buildings or for housing the broadcasting station.

Shri T. T. Krishnamachari: I am sorry to interrupt. The point the hon. Member made could not be covered by this particular Grant that we are asking from the House because the hon. Member finds fault with us for not having spent the money. Here we are asking for condonation by the House for something which was spent in excess of what the House has already granted.

Mr. Speaker: What he says is this. If the excess is spent on Madras, he would not agree to the excess being spent.

Shri Tangamani: If it has been spent on Madras, Delhi and Bombay for this 100 k.w. short wave transmitter that would have been all right. That is my contention. I move my cut motion.

The Minister of Information and Broadcasting (Dr. Keskar): All the items here are accounting items in the sense that some money which we hoped would be spent for the year 1953-54 could not be spent because the equipment that was ordered did not come to India. This was delayed by three or four months and so the sum budgeted for last year had to be spent in the year after-wards. So, really speaking, most of the excess is for this year but it is taken from a sum which had been budgeted for last year. Regarding another point the information of the Hon'ble Member is quite wrong. The 100 k.w. transmitter to which he is making continuous reference is not only erected, but it is at present functioning. This is functioning in place of the 10 k.w. unit transferred to Avadi.

Mr. Speaker: I shall put the cut motion to the vote of the House. Is the hon'ble Member pressing it? I suppose he does not press it. He has said enough about it. I shall put the Demands to the vote of the House. I shall put all of them together for the vote of the House.

The cut motion was, by leave, withdrawn.

Motion moved:

"That the respective excess sums not exceeding the amounts shown in the third column of the order paper be granted to the President to make good the amounts spent during the year ended the 31st day of March 1954 in respect of corresponding heads of demands entered in the second column thereof."

The motion was adopted.

[The motions for Demands for Excess Grants, 1953-54 which were adopted by the Lok Sabha are reproduced below—Ed.]

DEMAND NO. 1—MINISTRY OF COMMERCE AND INDUSTRY

"That a sum not exceeding Rs. 13,999 be granted to the President to make good the amount spent during the year ended the 31st day of March 1954 in respect of 'Ministry of Commerce and Industry' "

DEMAND NO. 25—MISCELLANEOUS EXPENDITURE UNDER THE MINISTRY OF EXTERNAL AFFAIRS

"That a sum not exceeding Rs. 1,81,526 be granted to the President to make good the amount spent during the year ended the 31st day of March 1954 in respect of 'Miscellaneous Expenditure under the Ministry of External Affairs' ".

DEMAND NO. 32—PAYMENTS TO OTHER GOVERNMENTS, DEPARTMENTS ETC. ON ACCOUNT OF THE ADMINISTRATION OF AGENCY SUBJECTS AND MANAGEMENT OF TREASURIES

"That a sum not exceeding Rs. 573 be granted to the President to make good the amount spent during the year ended the 31st day of March, 1954 in respect of 'Payments to Other Governments etc. on account of the Administration of Agency Subjects and Management of Treasuries' ".

DEMAND NO. 37—SUPERANNUATION ALLOWANCES AND PENSIONS

"That a sum not exceeding Rs. 8,51,416 be granted to the President to make good the amount spent during the year ended the 31st day of March, 1954 in respect of 'Superannuation Allowances and Pensions' ".

DEMAND NO. 40—MISCELLANEOUS ADJUSTMENTS BETWEEN THE UNION AND STATE GOVERNMENTS

"That a sum not exceeding Rs. 39,643 be granted to the President to make good the amount spent during the year ended the 31st day of March, 1954 in respect of 'Miscellaneous Adjustments between the Union and State Governments' ".

DEMAND NO. 50—PUBLIC HEALTH

"That a sum not exceeding Rs. 1,58,10,262 be granted to the President to make good the amount spent during the year ended the 31st day of March, 1954 in respect of 'Public Health' ".

DEMAND NO. 53—CABINET

"That a sum not exceeding Rs. 1,30,850 be granted to the President to make good the amount spent during the year ended the 31st day of March, 1954 in respect of 'Cabinet' "

DEMAND NO. 104—OTHER CIVIL WORKS

"That a sum not exceeding Rs. 10,71,297 be granted to the President to make good the amount spent during the year ended the 31st day of March, 1954 in respect of 'Other Civil Works' ".

DEMAND NO. 126—CAPITAL OUTLAY OF THE MINISTRY OF HEALTH

"That a sum not exceeding Rs. 17,53,179 be granted to the President to make good the amount spent during the year ended the 31st day of March, 1954 in respect of 'Capital Outlay of the Ministry of Health'."

DEMAND NO. 128—CAPITAL OUTLAY ON BROADCASTING

"That a sum not exceeding Rs. 8,22,014 be granted to the President to make good the amount spent during the year ended the 31st day of March, 1954 in respect of 'Capital Outlay on Broadcasting'."

CENTRAL SALES TAX (AMENDMENT) BILL, 1957

The Minister of Finance (Shri T. T. Krishnamachari): I beg to move:*

"That the Bill to amend the Central Sales Tax Act 1956, be taken into consideration".

Sir, I must apologise to the House for bringing this amending Bill so soon after the original Bill was passed. But the Bill itself seeks to remedy one or two matters arising out of certain amendments that we made to the original Sales Tax Act when it was being discussed by this House. One important matter is in

*Moved with the recommendation of the President.

[Shri T. T. Krishnamachari]

regard to the power to exempt from the levy of inter-state Sales Tax that was taken by the Union Government in respect of Union Territories. A certain amount of apprehension has been created in the minds of the neighbouring States that if Delhi is exempted from the operation of the Sales Tax, the business will flow into Delhi from other States. There is also a slight defect in the nature of the original Act that has been passed namely that any authority which has a power to collect a tax should also have a power to exempt collection of the tax on any particular commodity. That is a general principle of taxation that has been lost sight of. The authority here is the Central Government. It gives powers to State Government to levy a certain Sales tax on inter-state sales but it does not give the power to the State Government not to levy or lower or to completely exempt certain commodities. That is one amendment that has been put in here.

The other amendment is in respect of cotton yarn. In the original list of essential commodities certain items like cotton yarn etc., were not included. In the abridged list that this Act contained, we had taken cotton but not cotton yarn. Cotton yarn falls within the category of the commodities that have to be specially selected for being protected under this enactment by the Taxation Enquiry Commission. Therefore, it is proposed to include cotton yarn but not including cotton yarn waste. Cotton yarn is a thing which is a thing which is needed by the handloom industry. The producing State is not always the consuming State. Therefore this protection is necessary and Clause 3 of the Bill now proposes to include cotton yarn in the list of declared goods.

Section 4 has an amendment which might look at first formidable. It puts a restriction on the capacity of the States to collect Sales tax to almost only once. There was an ambiguity in the original text. If a State had a multi-point sales tax it did not very clearly indicate whether this limitation will apply to the first point or subsequent points. What is being done in section 4 is to make this particular point clear.

I cannot understand why there has been considerable amount of interest in this matter in the House, unless it be that Hon'ble Members feel that we should not give the power of exemption to the States, or they think that cotton yarn should not be included or that it should not be stated in express terms that inter-State Sales tax should be collected at only one point and not at several points. The authority should be there, subject to the limits prescribed and the amendment is brought in to give the States the power to vary the terms of the tax or to exempt it altogether which power every collecting authority has in all civilized countries. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to amend the Central Sales Tax Act, 1956, be taken into consideration."

Mr. Speaker: Shri Tangamani.

Shri Tangamani (Madurai) *rose*....

Shri T. T. Krishnamachari: Very hesitant. Sir.

Mr. Speaker: I am calling upon him to speak. If the hon. Members are anxious to speak, they may speak; otherwise, they need not. Probably, he wants certain doubts to be clarified.

Shri Tangamani: Sir, this Bill has got many welcome features. We on our part want more powers to be given to the States on the question of the imposition of sales tax. We are happy to find that by expanding the powers of the State Governments in respect of these special commodities, the Central Government has conferred more rights on the State Governments.

Secondly, cotton yarn is also sought to be included and that is also a welcome feature. The power which is given to the State Governments to exempt cotton yarn will certainly benefit handloom weavers.

But, our objection is this. When we seek to impose a ceiling on the sales tax, the State Governments impose the maximum percentage. Sales tax first imposed in 1937 in Madras State; then it was half a per cent. It was subsequently increased to 1·5 per cent. Now, two per cent is sought to be fixed as the ceiling. My fear is that the Madras State Government, like other State Governments, will try to impose this two per cent. That is why, I have given notice of an amendment that this may be deleted.

When restriction is sought to be imposed on goods of special importance, we must also bear in mind the power conferred upon this House by the latest amendment of the Constitution. When sales tax was imposed on goods which were being transported from one State to another, the Supreme Court intervened and said that the States had no power. The Constitution had to be amended; articles 269 and 286 had also to be amended to give powers to Parliament.

Articles 286(2) says:

"(2) Parliament may by law formulate principles for determining when a sale or purchase of goods takes place in any of the ways mentioned in clause (1).

(3) Any law of a State shall, in so far as it imposes, or authorises the imposition of, a tax on the sale or purchase of goods declared by Parliament by law to be of special importance in inter-State trade or commerce, be subject to such restrictions and conditions in regard to the system of levy, rates and other incidents of the tax as Parliament may by law specify."

This Bill seeks to amend the original Act which gives powers only to the Central Government for granting exemption; it is now sought to be given to States also. That is a welcome feature. At the same time, under the original Act, where there were multi-point sales taxes, the percentage imposed was one. In the case of articles of special importance, the percentage sought to be imposed is two.

So, on this point also, namely, fixing a ceiling for imposition of tax, I have to oppose this motion, otherwise the Bill contains very salutary provisions.

Shri T. T. Krishnamachari: Sir, I do not think my hon. friend has understood the position clearly. Clause 4 of the Bill seeks to substitute section 15 of the Act, which says:

"Notwithstanding anything contained in the sales tax law of any State, the tax payable by any dealer under that law in respect of any sales or purchases of declared goods made by him inside the State shall not exceed two per cent. of the sale price thereof, and such tax shall not be levied at more than one stage in a State."

The amendment is:

"Every sales tax law of a State shall, in so far as it imposes or authorities the imposition of a tax on the sale or purchase of declared goods, be subject to the following restrictions and conditions, namely:—

(a) the tax payable under that law in respect of any sale or purchase of such goods inside the State shall be levied only at a last stage of sale or purchase and shall not exceed two per cent., of the sale or purchase price at that stage;"

It now precisely indicates where this two per cent can be levied. If the sales tax law of a State is something which, as my hon. friend puts it levies a lower percentage, there is

[Shri T. T. Krishnamachari]

no compulsion on the part of the Central Government asking them to levy a higher percentage. All that we can do is to tell them that it shall not be levied at a higher rate, and that is made very clear by this amendment. Therefore, I cannot see the point of what my hon. friend mentions.

The Central Government has certainly inhibited the States from doing one thing; that they cannot levy a tax beyond two per cent., and that too shall be levied only at the last stage on commodities specified under section 14 of the Act, which has now been further added on by cotton yarn. Beyond that the Central Government does nothing. It is quite within the competence of the State to say: "We won't levy any tax", or "We will levy only one per cent., half per cent or quarter per cent." There is nothing to bar them from doing that.

That is precisely, Sir, what we intend to do by the other provision, namely, exemption regarding inter-State sales tax. That is left to the sweet will and pleasure of the State Government.

If the hon. Member seeks to make out that I am imposing some of my authority on the State Government, I am afraid, he is wrong. If the idea that he seeks to make out is that I am not imposing my authority on the State Government, I would like to tell him that all that I am doing is to restrict the powers of the State to impose a sales tax of two per cent. only at the last stage and on commodities mentioned in section 14 of the Act. That is all what we are trying to do. Well, if it is right it is right, if it is wrong it is wrong, but I cannot understand what my hon. friend wants to convey.

Shri Tangamani: Under section 8 of the original Act, tax payable was only one per cent of the turn-over., whereas under section 15 it was 2 per cent. My point is whether we cannot have that one per cent in this amending Bill also.

Shri T. T. Krishnamachari: Two per cent is the maximum tax that can be levied on the commodities mentioned in section 14 of the Act. One per cent is the maximum tax that can be levied on inter-State sale of any commodity including those commodities mentioned under section 14. Therefore, so far as we say that this tax should be levied at the last stage at the rate of two per cent, if it is inter-State sale it is all right, otherwise, as the section was originally, they might have levied tax at any earlier stage not exceeding two per cent before the declared goods are exported to another State. We have made that very clear now. I do not want the hon. Member to confuse two per cent with one per cent; one is different from the other; one per cent is on inter-State sales and two per cent happens to be the aggregate amount of sales tax on any commodity specified in section 14 and that has to be levied at the last stage.

Shri Tangamani: In view of what the hon. Minister has said....

Shri T. T. Krishnamachari: I am afraid, I cannot elucidate the position further.

Shri Tangamani: ..... I do not want to press my point further.

Mr. Speaker: So long as the hon. Member does not press it, it is all right. I shall now put the motion to the vote of the House.

The question is:

"That the Bill to amend the Central Sales Tax (Amendment) Bill 1957, be taken into consideration."

The motion was adopted.

13 hrs.

Clauses 2 and 3

Mr. Speaker: There are no amendments to clauses 2 and 3.

The question is:

That clauses 2 and 3 stand part of the Bill

The motion was adopted.

Clauses 2 and 3 were added to the Bill

Clause 4

Mr. Speaker: There are some amendments to clause 4.

Shri Hajarnavis (Bhandara): I beg to move:

Page 1, line 20, *for* "last stage of sale or purchase" *substitute*

"stage of last sale or purchase"

Page 2, line 2, *omit*

"at the last tage of sale or purchase"

Page 2, line 3, *after* "intended" *insert* "by the purchaser"

Page 2, line 3, *after* "sale" *insert* "by him"

Page 2 line 5, *for* "last stage of sale or purchase" *substitute*

"stage of last sale or purchase"

I am moving all these amendments of mine together. These amendments seeks to make verbal alterations in the wording of the section. By my first amendment, instead of "the tax payable under that law in respect of any sale or purchase of such goods inside the State shall be levied only at the last stage of sale or purchase" I want to substitute "last stage of sale or purchase" at the end. The reason, is this. There is a slight possibility of ambiguity arising. There are certain expressions in a decision of the Supreme Court. That decision was given in Popatlal Shah's case in which it said that sale of goods is a composite transaction in which there are various elements or components. It consists of a bargain, the payment of price or the promise of the payment of price, delivery of goods, and so forth, so that the sale itself consists of various elements, components or stages. So, it might be possible to argue that when the expression that is used here, "last stage of sale or purchase" is adhered to, it refers to that elements in the sale which comes last in point or time. Of course, I am aware this expression has been defined in the explanation but I want to point out that in the United Motors case, there was a considerable discussion and divergence in the judicial opinion as to what exactly is the function of explanation. The concept of sale includes many elements or stages. Now in order to make it quite clear what exactly is the stage at which the State will be able to impose a tax, and to make it clear that that stage will be the stage of last sale, I have put in this amendment. In order that there may be no doubt about it, I want to transpose the word "last" from " last stage" to "stage of last" etc. This is in accordance with the scheme of the Act, because, probably by this Act uniformity in the imposition of tax is intended to be achieved. Further that is the stage at which the stream of the commerce is at its broadest. That is where the net gathering the tax ought to be put in, but, in order that there should be no room for any ambiguity, I am moving this amendment.

My next amendment seeks to omit "at the last stage of sale or purchase" from sub-clause (b). The sub-clause, as it is, is as follows:

> "notwithstanding anything contained in clause (a), no tax shall be levied at the last stage of sale or purchase if the declared goods purchased are intended for sale in the course of inter-State trade or commerce".

Now, the object of this clause is this. If a sale attracts the tax in (a) but that last stage is in the course of inter-State commerce and trade, then, no tax shall be attracted. But, from reading the explanation, it is quite clear that the sale, in the course of inter-State trade and commerce could never be covered by the expression at all, because the last stage of sale or purchase has been defined to include what I might call

[Shri Hajarnavis]

'the consumer sale within the State'. This expression "last stage of sale or purchase" covers all those sales which firstly take place within the State itself and secondly are consumer sales. Therefore, such a sale can never be said to be in the course of inter-State trade and commerce.

In my opinion, nothing would be lost if this expression "at the last stage of sale or purchase" is omitted, and the meaning would be brought about much more clearly Thus, the clause should read:

> "notwithstanding anything contained in clause (a), no tax shall be levied if the declared goods purchased are intended for sale in the course of inter-State trade or commerce".

That is to say, if the sale is in the course of inter-State trade or commerce, it may be the last sale or the first sale or the second sale, and it is immune from taxation. It is not necessary to include this expression. Otherwise, it is likely to lead to some confusion as to why this phrase which serves no function has been included in this clause.

In my amendment No. 3, I have said that the declared goods must be purchased by the person claiming exemption with the necessary intention, that is, the goods purchased are intended "by the purchaser" for sale in the course of inter-State trade or commerce. The exemption should not attach to the goods but to the purchaser. It may be contended that if the goods are intended for inter-State commerce or trade and if they pass within the State, in the hands of two or three persons and ultimately if they are exported, and if each of these three had an intention to send them outside the State, then, each one of them may claim exemption on the ground that each one of them intended that they were for sale in the course of inter-State commerce or trade. In order to leave no scope for doubt, I am suggesting that it is necessary to say that they are intended by the purchaser for sale by him in my amendment No. 3. I am merely drawing upon the language of section 18(3) of the principal Act where the same language has been used. There should be no scope for any argument founded on the difference between clause (b) and the wording in section 8.

These are my reasons for my amendments. I commend my amendments to the acceptance of the House.

Shri S. M. Banerjee (Kanpur): There is my amendment.

Shri T. T. Krishnamachari: There is no notice.

Mr. Speaker: It is not in the Order Paper. The hon. Member must know that unless due notice is given, no amendment shall be brought before the House.

Shri S. M. Banerjee: I am sorry I was not in Delhi.

Mr. Speaker: Unless of course the hon. Minister who sponsors the Bill agrees to accept the amendment, it cannot be brought in. What is the reaction of the hon. Minister?

Shri T. T. Krishnamachari: I am completely innocent of the intention of the hon. Member. I have not received notice.

Shri S. M. Banerjee: It can be treated as moved.

Mr. Speaker: Due notice of the amendment ought to be given, a couple of days in advance.

Shri S. M. Banerjee: I explained my difficulty. I was out of Delhi. That is why I could not give notice.

Mr. Speaker: What can be done now? The hon. House cannot be taken by surprise. If the hon. Member wants to speak, he may. I cannot accept the amendment unless the Minister himself is agreeable to accept it. He says he has not even seen the amendment.

Shri S. M. Banerjee: It is a small amendment regarding the percentage.

Mr. Speaker: Yes; but Shri Tangamani has spoken about it....

Shri S. M. Banerjee: But he spoke for the entire deletion of the clause.

Mr. Speaker: I am not going to allow the amendment. If the hon. Member wants to speak, he may speak.

Shri S. M. Banerjee: I may be allowed to speak.

Mr. Speaker: He can speak. Some of the hon. Members who are new must know that due notice of amendments ought to be given in advance and if something crops up as ancillary to an amendment which could not have been thought of, some discretion could be allowed, but this is not such a case. In all cases where amendments are brought at the last stage, unless the sponsor of the Bill agrees to the amendment and accepts it, the amendments will not be accepted. Due notice of them should be given.

Shri S. M. Banerjee: I have already regretted.

Mr. Speaker: There is no question of mere regret. I am sorry. He may speak on his point. He may be brief—within 5 minutes.

श्री स० म० बनर्जी : अध्यक्ष महोदय, सेल टैक्स अमेंडमेंट बिल पर आज जो बहस हो रही है, इसके अन्दर कुछ फीचर्स ऐसे हैं, जिनको मैं वैलकम करता हूं । इसके अन्दर स्टेट्स को कुछ पावर्स दी गई हैं, जिनका मैं स्वागत करता हूं । लेकिन परसेंटेज का जहां तक सवाल है उसके बारे में कहा गया है :—

"The tax payable under that law in respect of any sale or purchase of such goods inside the State shall be levied only at the last stage of sale or purchase and shall not exceed two per cent. of the sale or purchase price at that stage;"

इस सम्बन्ध में, अध्यक्ष महोदय, मैं आपका तथा माननीय मंत्री जी का ध्यान टैक्ससेशन इनक्वायरी कमीशन की रिपोर्ट की तरफ ले जाना चाहता हूं । इस रिपोर्ट के अन्दर कहा गया है :—

"The rate shall not exceed quarter of an anna in the rupee, the same rate of central tax that will be included in the course of inter-State trade or commerce."

मैं मंत्री महोदय से जानना चाहता हूं कि आखिर टैक्सेशन एनक्वायरी कमीशन की रिपोर्ट जिसको कि हम ओर वो काफी हद तक मानते हैं तो फिर क्या वजह है कि हम यहां पर २ परसेंट रखते हैं ? उसके हिसाब तकरीबन डेढ़ परसेंट होता है तो फिर आपने यह २ परसेंट कैसे रक्खा है ? मैं ने अपने अमेंडमेंट में जो कि डिसएलाउड हो गया है? १ परसेंट चाहा है ।

आज हम देख रहे हैं कि सेल्स टैक्स जिसका कि सारे देश भर में युनिफार्म एप्लीकेशन होना चाहिये नहीं होता है और युनिफार्मिटी आफ सेल्स टैक्स नहीं है । चूंकि मैं उत्तर प्रदेश से आता हूं इसलिये वहां के बारे में मुझे जानकारी है कि वहां इस सेल्स टैक्स के सवाल को ले कर व्यापारी वर्ग में काफी असन्तोष फैल रहा है और एक एनार्की फैल रही है । मैं समझता हूं कि माननीय मंत्री को भी पता होगा कि आज से कुछ दिन पहले उत्तर प्रदेश में सेल्स टैक्स के सवाल को ले कर एक आन्दोलन चला था और व्यापारियों ने जो कि हमेशा से शान्तिप्रिय होते आये हैं एक आन्दोलन किया गया और हड़ताल, डिमॉन्स्ट्रेशंस किये और काले झंडों से सेल्स टैक्स का 'स्वागत' किया । उनकी एक विशेष आपत्ति यह थी कि सेल्स टैक्स युनिफार्म बेसिस पर होना चाहिये ।

मैं समझता हूं कि आज माननीय मंत्री या केन्द्रीय सरकार को कोई ऐतराज नहीं है कि सेल्स टैक्स युनिफार्म बैसिस पर किया जाये लेकिन सवाल आता है स्टेट गवर्नमेंट्स

[श्री स० म० बनर्जी]

का क्योंकि वे भी सेल्स टैक्स के जरिये अपने रेवेन्यूज को बढ़ाना चाहती हैं । लेकिन यह कोई कोई ऐसी खास बात नहीं है और मंज महोदय से निवेदन करूंगा कि इस सेल्स टैक्स को युनिफार्म बेसिस पर ऐप्लाई किया जाये ताकि उत्तर प्रदेश में जो बिजनेस चौपट हो रहा है वह सम्हल जाये और व्यापारियों में जो व्यापक असन्तोष फैला हुआ है वह दूर हो जाये और व्यापार ठीक से चलने लगे ।

दूसरी चीज मैं यह कहूंगा कि टैक्सेशन एनक्वायरी कमिशन की रिपोर्ट में यह कहा गया है कि दो परसेंट का सवाल नहीं है । बल्कि दो परसेंट से कम हो और अगर यह मुमकिन हो तो उसको टैक्सेशन एनक्वायरी कमिशन की रिपोर्ट तक महदूद रक्खें ।

मुझे सिर्फ इतना ही कहना है कि सेल्स टैक्स को ले कर हिन्दुस्तान भर में बिजनेस को काफी धक्का लगा है । मैं यह मानता हूं कि सेल्स टैक्स लगाना आपके लिये कुछ ले जाना है और जाहिर है कि उसके लिये आपको टैक्स लगा कर रुपया हासिल करना होगा लेकिन यह एक युनिफार्म पालिसी और युनिफार्म बेसिस पर लगाया जाना चाहिये । कुछ चीजें इसमें ऐसी हैं जिनका कि मैं स्वागत करता हूं कि लेकिन साथ ही साथ मैं निवेदन करूंगा कि अगर आप मेरे १ परसेंट और श्री तंगामणि के अमेंडमेंट को नहीं मान सकते हैं तो कम से कम मैं इतना कहूंगा—

In the larger interests of business, uniform application of sales-tax is necessary. As far as I know, there was no objection from the Centre, but because the State Government raised some objections and they wanted to reserve this right, sales-tax is not imposed on a uniform basis.

So, I would request the hon. Minister to consider the entire question of sales-tax; let him convene a meeting of the Finance Ministers of the various States. It is absolutely essential, because in certain States, the imposition of sales-tax and the whole procedure for the collection of sales-tax is complicated. The small businessmen want to pay sales-tax, but the whole procedure, which is so complicated, is telling on their nerves; rather it is shattering their nerves.

I request the hon. Minister to consider two points. One is that it should be dealt with on a uniform basis. The second is that it should be not 2 per cent, but he should stick to 1 per cent; and if not at least he must stick to the recommendation of the Taxation Enquiry Commission. I would submit that in the larger interests of the businessmen, this amendment should be accepted. It is my suggestion; I do not say 'amendment', because it has not been allowed to be moved. I have placed my suggestion before the hon. Minister and I would request him to consider it.

Shri T. T. Krishnamachari: The hon. Member, Mr. Hajarnavis, apparently is a very studious person and has some experience of sales-tax administration in his own particular province. But I am afraid that the refinement in language, which I think is perhaps desirable, is one which I cannot accept for the reason that my advisers would prefer to stick to the present form.

Mr. Speaker: I had my own doubts about it—the stage of a sale is only a part or limb of the sale. There is a proposal, offer and acceptance, which make a contract for consideration. Sale consists of various portions. Of course, bargain is not the legal expression. There is an offer, acceptance and delivery. So, there may be a lacuna in any particular stage; therefore, he may consider the whole thing.

Shri T. T. Krishnamachari: I had sent on the amendment to my legal advisers. I can explain the position this way. The question is, where this word 'stage' qualifies. If we take the goods, which is really the

material for the sale, as the main entity, then it passes through various transactions as A, B, C, and D; the last transaction through which it passes will be the transaction on which no tax shall be levied by the State. On the other hand, if the relationship is not established between the goods and the sale, the point of my hon. friend might be correct.

Mr. Speaker: The point is this. The hon. Minister has in mind a chain of sales.

Shri T. T. Krishnamachari: Yes, Sir.

Mr. Speaker: Each sale is independent; it is only a link. Each sale is complete. Before the last man sends the goods away to some other place outside the State, it is at that stage that the hon. Minister wants to impose the tax. Before that, sale from one person to another is complete as soon as delivery is made; there is an offer, acceptance and price fixation. Therefore, treating all these sales inside the territory as a single stage and treating the other sale is the last stage of the sale does not seem to be quite legal.

Shri T. T. Krishnamachari: I am not a lawyer, as the Chair knows. But, I am familiar with the sales-tax legislation for the last 18 years. The Chair will also remember that a particular eminent lawyer introduced an explanation to article 286 at the time of promulgation of the Constitution, which has carried with it a trial of trevails. The eminence of the lawyer does not mean he carries with him certain preciseness in expression. The Chair knows all about it. In this particular case, the words "at the last stage of sale" has gone into usage in various Supreme Court Judgments in regard to the question of sales-tax, particularly in regard to export and sale.

Shri Hajarnavis: He will kindly check it up. I am familiar with most of the decisions and as far as I remember and the term "last stage of the sale" does not occur in any decision, except that the word "stage" occurs in the principal Act. Even in the Taxation Enquiry Commission's report, the expression "last stage of sale" does not occur. That is what I remember; my memory may be wrong.

Shri T. T. Krishnamachari: The hon. Member may be right. I am not a lawyer. My recollection happens to be that in one of the judgments, particularly in regard to a Travancore matter, the phrase was used; I may be wrong. In any event, the hon. Member has an advantage in that he has experienced; he is a lawyer and he can pronounce the verdict. So far as I am concerned, I am dependent on my legal advisers. Therefore, if the Chair does not mind, I think I might leave it as it is.

The other point I would like to mention at this stage is that this particular article 286 and the legislation emanating therefrom has been the subject-matter of discussion between the Law Department, even myself in my capacity as Commerce and Industries Minister and the Attorney-General. I have attended a few conferences in regard to the wording of this particular amendment of the Constitution that we thought of, namely, article 286. I do not think that the amendment has come through without being checked up at a fairly high level. I think the best thing is to leave it as it is, unless it be that the Chair wants me to put off the matter. I am in the Chair's hands.

Shri Pattabhi Raman (Kumbakonam): The word 'sale' has got a technical import, while 'stage' is not a legal term as such. The Bombay company case has been referred to, I had the good fortune to be associated with it. In that case there was a complete sale; it was an export sale altogether. If I may say so, the word 'stage' will lead to some doubt. 'Stage' is not a legal term, while sale is passing of property.

[Shri Pattabhi Raman]

There may be a sale on completion of dilivery—the incident of a particular sale. That would be different. The word "stage" will lead to ambiguity; it is not a legal term. "Stage" may be one of suspended animation; there may not be any definiteness about it.

Shri T. T. Krishnamachari: In fact, the hon. Mover of the amendment does not take away the word "stage". The "illegality" connected with that word still remains, to the extent to which it can be used for purposes of interpretation. But export is a stage. An article passes from production....

Mr. Speaker: Why not omit the word "stage" and say "last sale or purchase"? That will meet the situation.

Shri T. T. Krishnamachari: If it is a question of the commodity, whose sale is the last one, I think the commodity passes through various sales, and therefore the 'last sale' is also correct.

Mr. Speaker: The hon. Minister will consider this point. Sub-section (2) of section 4 of the Central Sales Tax Act of 1956 says:

> "(2) A sale or purchase of goods shall be deemed to take place inside a State if the goods are within the State—
>
> (a) in the case of specific or ascertained goods, at the time the contract of sale is made; and
>
> (b) in the case of unascertained or future goods, at the time of their appropriation to the contract of sale by the seller or by the buyer, whether assent of the other party is prior or subsequent to such appropriation.
>
> *Explanation.*—Where there is a single contract of sale or purchase of goods situated at more places than one, the provisions of this sub-section shall apply as if there were separate contracts in respect of the goods at each of such places."

And then section 5 says, " A sale or purchase of goods shall be deemed to take place in the course of the export of the goods out of the territory of India only if the sale or purchase either occasions such export or is effected by a transfer...etc." We need not go into that.

Now, each transaction between one person and another is a completed sale. If there are a number of sales, at the time of the last sale before export to the foreign buyer, that is the sale by which the export takes place, at that stage we normally use the word at that "stage". It is that sale that is taxed, is it not so?

Shri T. T. Krishnamachari: May I make a submission, Sir? As a matter of fact, I am not in a position to say anything in this matter. If the Chair wants to put it off...

Mr. Speaker: Let us take it up an hour hence.

Shri T. T. Krishnamachari: At 2-30.

Mr. Speaker: Yes, and in the meanwhile he may consult his legal advisers. Let us proceed to something else. Here the only thing is about 'sale'.

Shri T. T. Krishnamachari: That, more or less, seems to be the change.

Mr. Speaker: Yes, the others are only ancillary.

Shri Hajarnavis: If these words "at the last stage of sale or purchase" are deleted....

Mr. Speaker: The others are consequential. Very well. There is no clause 5; clause 4 is the last clause. To the other clauses there are no amendments. So there is no purpose in my putting clause 1 and the Enacting Formula now. We shall take this up at 2-30 and go to the next item now.

COPYRIGHT BILL

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrimali): Sir, I beg to move*:

> "That the Bill to amend and consolidate the law relating to copyright, as passed by Rajya Sabha, be taken into consideration."

In making this motion I should like to make a few preliminary remarks with regard to the important changes that have been made by the Joint Committee and subsequently by the Rajya Sabha.

The House would remember that when the Bill was introduced, for the term of the copyright we had made the provision "the life of the author and a period of twenty-five years after his death". The main purpose of this provision was that after a period of twenty-five years the work should go into the public domain. We thought that the period of the life of the author and twenty-five years after his death was adequate to support the author and the next generation, that is his children.

This matter, naturally, aroused a great controversy in the country and there were sharp, conflicting views on this particular point regarding the term of the copyright. There was one section which believed that the copyright is, after all, a property and therefore even the author should not have unlimited rights. It is true that the author must have full share for his production. That was provided for in the Bill. It was also felt that the family of the author should receive support from the author's works, because very often the family has to depend on the parents, and since the only income for the author is through his works, naturally, the family is dependent on that income.

The main consideration which the Government had in view at that time was that this period should be adequate to provide for the author and for his immediate dependents; after that period the work should go into the public domain. But there was a strong public opinion that this period of twenty-five years was not adequate. Authors in this country are not rich people, they have to work under very hard circumstances. We do not have many millionaires among authors, and since their family has to depend to a large extent on this income, at the second thought Government felt there was great force in that argument; and, therefore, in the Joint Committee I accepted that amendment and increased the period to fifty years.

Mr. Speaker: What if the copyright is sold away? Can it not be sold?

Dr. K. L. Shrimali: For the life of the author the copyright will be that of the author.

Mr. Speaker: If it is sold away, all this argument disappears—whether his children have to be provided for, etc.

Dr. K. L. Shrimali: It won't go into the public domain automatically.

Mr. Speaker: But it will go away to the publishers.

Dr. K. L. Shrimali: The author is free to give it away to the publisher.

Mr. Speaker: Therefore, all this argument that this is *parampara*, that the children will be protected, etc., all this disappears.

Dr. K. L. Shrimali: But the point is that the author must determine whether he wants to part with his work or wants to keep the copyright to himself.

Mr. Speaker: Most of the authors sell away.

Dr. K. L. Shrimali: This is a point which is coming up. I am taking it up.

Therefore, I willingly accepted the amendment. I hope, the House will generally welcome that change.

*Moved with the recommendation of the President.

[Dr. K. L. Shrimali.]

Another amendment which has been made in the Rajya Sabha is with regard to translation. In the Bill, as it emerged from the Joint Committee, we had provided that, after a period of 10 years, if the author does not translate his work, the work will go into the public domain. The main purpose was, in our country, since we have so many languages, we should have regular interchange between one linguistic group and another. Therefore, we should facilitate this interchange of thought, and interchange of literature. It was felt in the Rajya Sabha that this provision may be a little hard for authors. Once it goes into the public domain, they get no royalty; they do not get any compensation. The period prescribed in the Bill was too short for that. It was, therefore, felt that the public should certainly have the right to translate after a minimum period, but the authors enjoy the compensation or royalty which may be determined by the Copyright Board. In this way, we have tried to meet the claims of the author on the one hand and the needs of the public on the other.

There was another provision which aroused great controversy in the Joint Committee and in the Rajya Sabha, namely, the author's right of re-assignment. Clause 18 in the original Bill gives the right to the author to secure on certain conditions re-assignment of the copyright previously assigned by him. Originally, it was our intention that after a certain period, if the author feels that he would like to have his work back from the publisher, he can get it. This matter was very thoroughly discussed in the Joint Committee and later on in Rajya Sabha. It was felt that though this provision was intended to guard the interest of the author, it would strike against the interest of the author himself. We have to remember that the publisher also is a party in the publication of the work. Without a publisher, a work does not come into existence. A publisher makes investment of money, advertises the book, and during the first years, he has to make investment. After about seven or eight years, the author goes to him and tells him, I want my book back; though I have assigned the right to you, I want it back. In such circumstances, no publisher would be willing to invest money in the first few years. If a book has to succeed, it is the first few years which are most important. If the publisher always remained uncertain that after a certain period, the author would come back and claim the book, naturally, he would not have any interest in the book. We had to re-examine the whole proposal. In fact, the authors themselves suggested that the clause in the original Bill would not work in their interest. Therefore, we had to change it as in the revised Bill. This Bill, as it has emerged now, tries to meet the various conflicting interests. In the first place, the most important interest is that of the author. We must protect him. In protecting the author and composer and the creative genius, we protect the leaders of our society, who make contribution to our civilisation. The most important objective of this Bill is to protect the rights of the authors. As said even these rights of the authors are not unlimited. We must remember that copyright is after all some kind of property and there must be some restriction. The period we have now provided, that is, 50 years after the death of the author, I think, should be adequate not only to protect the rights of author and also to support his family.

We have to take into account the interests of society also. After all, the author lives in society. It is true that he makes contribution to society. He also has to depend on society for his work, to some extent. No individual can say that he is not indebted to society for the work that has been done whether he is an author or a mechanic or an engineer. Both the individual and society are

inter-dependent. The individual author and creative genius gives to society. But, he also draws from society. Therefore, we have to take into account the two conflicting interests and try to reconcile them. We have also to take into account the interests of the publisher. Very often, we believe that the publisher exploits the authors. That is the common belief. But, we must also remember that, without the publishers, authors will not come into existence. The publishers sometimes make the authors successful through their efforts, through their investment, through their skill. In our country, just as the authors are poor, the publishers are poor and there are not many millionaires among publishers. It is not for all the books that the publisher gets a good return. Occasionally, he comes across a book for which he gets return. Therefore, while safeguarding the interests of the authors, we have also to safeguard the interests of the publishers. All these interests, the interets of the author, the interests of the publishers, the family of the authors and the interests of society have been taken into account in the Bill which is now before the House. I am glad to say the Bill on the whole has received full measure of support. Of course, in the beginning there was a great deal of opposition but the Government had an open mind on this question and it was in that spirit that we worked in the Joint Committee, not in a party spirit. I willingly accepted the amendments which came from any quarter, amendments which would improve the Bill and safeguard the interests of the authors primarily, because I believe that in promoting the interests of the authors and their creative genius we promote the interests of our society. I do hope that this Bill will receive the full support of the House and will be passed.

Shri M. R. Masani (Ranchi—East): When this Bill was first introduced it aroused a fairly wide storm of protest from the ranks of the authors and writers in the country. I recall that last year, when I was not a Member of this hon. House, I had occasion to appear before the Joint Select Committee as a witness along with some colleagues representing leading literary organisations in this country, including the All-India P.E.N. Centre which is the leading writers' organisation in India. We found that the Bill, which was devised for the protection of the rights of the authors, in fact made many inroads into those legitimate rights, and we were rather surprised that the Government, whose intentions we never doubted for a moment, should have brought a defective measures of this nature before the legislature. We pointed out these many defects in our evidence before the Joint Committee and these objections were backed by organisations of writers in many of the Indian languages.

One of the aspects that bothered us a great deal was that, if this Bill had been adhered to in its original form, India's membership of the international community of nations would have been jeopardised. As a signatory of the Berne Union, India had accepted certain broad liberal principles of copyright, and it appeared to us that apart from what it would do to the authors of India, our country was in danger of isolating itself from the world family on an issue where no such isolation was called for.

There were at least three aspect of the original Bill which offended against our international commitments. One was, as has been referred to by the hon. Minister, the truncating of the term of 50 years after the death of the author to one of 25. The second was the principle of the international conventions that no formalities or restrictions should be placed on the exercise of copyright and of suit, to prevent its infringement. And the third principle which was violated was that there should be no confiscation of the rights of an author,

[Shri M. R. Masani]

Various parts of the Bill offended against these very sound and salutary principles.

I am all the more happy, therefore, to be able today, with the support of those organisations, to lend my support to the Bill as it has now emerged from the Joint Committee and the Rajya Sabha. In doing so, may I, with all respect, pay a tribute to the spirit of sweet reasonableness in which the hon. Minister who is now piloting the Bill through this House received and met the point of view of the writers of this country, met it to the extent which in his view and the view of the Government and the Joint Committee was legitimate. It was in a spirit of sweet reasonableness that he met our objections and I am happy that the Bill has now been so modified that almost all of the objections that were originally raised by the writers have been met, and we can now join in welcoming this Bill as, by and large, a sound and good measure.

The question of property has been raised. Copyright is undoubtedly a form of property, but we feel that the right of a craftsman, of an artisan, of a painter, of a musician or writer in his work is certainly a form of property which needs to be protected and nursed rather than attacked even in a welfare society or Welfare State. The writers of India, as the hon. Minister had said, are not known to be among the richest sections of our community. In this land where learning and knowledge are supposed to be respected, I think it is fair to say that by and large authors are an under-privileged section of our community. There are not many millionaires among them. I doubt if there are any, or more than just a handful of people, who can afford to live simply by writing in this country. In that respect we are not as fortunately placed as the advanced countries of the West like the U.S.A., the U.K. or the countries of Western Europe. And therefore to attack copyright as a form of property seems to be to get hold of the wrong end of the stick. If anything, the author's right to the fruits of his labour is something that needs to be safeguarded from whatever quarter the attack might come. We welcome therefore the restoration of the full period of 50 years after the death of the author, and also the change that the 50 years should start operating from the death of the last joint authors and not the first of joint authors of a book. There are many occasions when a very old and senior professor and a young research student, or a very eminent citizen and a novice join hands to write a book. I myself collaborated many years ago with the late Sir C. Y. Chintamani to write a book called India's Constitution At Work. It would be rather hard on my own family or heirs if my copyright were to lapse 50 years after the demise of the senior co-author.

The second respect in which the Bill was originally not acceptable but has now been improved is the relationship between the author and the publisher. We were rather surprised that the Bill in the first instance appeared to be somewhat loaded in favour of the publisher and the employer as against the author. It was stated that in the absence of a specific agreement to the contrary, the copyright would be with the employer or the person who commissioned the work. I am glad to see that to a large extent the position has been remedied and that the writer, musician and the painter now, by and large, have a fair deal. And here I may say that those who envisage a class war between authors and publishers are not being the best friends of the author either. The Minister was right in pointing out that a great measure of co-operation and interdependence exists between the writer and the publisher. It is true there are publishers who are rapacious and it may also be true that there are authors who are mercenary. I do

not think an author who expresses himself freely, who preaches certain values to the community, can claim that he is not a grown up person who can look after his legal rights. All that the Bill does is to protect his rights. It cannot ensure that the author exercises his right with wisdom and maturity. Certainly the author is not a child. He does not need legal protection more than other citizens. And these clauses which were in dispute have now shifted the onus. The author now is given parity in his rights *vis-a-vis* the publisher. I think that, in fairness to the publisher as well as the author, the provisions of the Bill as they now stand are not open to the objections which were originally raised.

The third part of the Bill which was originally unacceptable was that which made the registration of copyright compulsory. Originally the Bill laid it down that if an author's copyright was infringed he would be unable to assert that right in a court of law unless he had registered that book with the Registrar of Copyrights. In a sense, that provision would have violated a very important principle, a principle that in our own legislation and in our international commitments we had accepted, which was that the right to my work springs from the fact that it is my work, that my right in my book or my painting does not come from the fact that I go to a minion of the law or a limb of the bureaucracy and register my work. It is my work because I produced and created it as an artist or as a writer.

It seemed to us that to say that a man may not vindicate his inherent right in a court of law unless he had gone and registered it with a part of the governmental apparatus was a very important incursion on the right of the artist in his own creation. I am very happy that that offending clause, or that part of it which was offending, namely clause 65(2), has now been eliminated from the Bill, and the right of the artist and the creative worker in his own product has been accepted.

Then again, the powers of compulsory licensing which appeared to us in the beginning to be altogether too wide have to a certain extent been limited.

Here, however, may I say that I am not altogether happy with the creation of the Copyright Board and the Registrar of Copyright? In the memorandum that was submitted to the Joint Committee by the PEN and other literary and cultural organisations, it had been urged:

> "The Bill reflects the unfortunate tendency towards the proliferation of bureaucracy, which is to be found in much current legislation".

It was urged in that memorandum that the whole of chapter X creating these new organs should be deleted.

While I do not wish to move an amendment on those lines, in view of the fact that both the Joint Committee and the Rajya Sabha have in their wisdom found it desirable to create these organisations, I do feel that I must record my personal protest against this needless addition to the army of officers which we in the present phase of our national life are engaged in creating. When I listened to the Budget the other day...

Dr. K. L. Shrimali: Is the hon. Member referring to the Copyright Board?

Shri M. R. Masani: The Board and Registrar, but the Registrar and the Copyright Office in particular.

The Copyright Office and the Registrar of Copyrights will no doubt perform their functions with the best will in the world. But it struck me, when I listened to the Budget the other day, whether these were such an essential office and such an essential officer to create at a time when

[Shri M. R. Masani]

we are asking among the poorest sections of our community to do without certain necessities and comforts of life. I am not saying that a Registrar of Copyrights may or may not be a good thing to have in the abstract, but today when we are in this acute financial condition, when every additional job created means a further burden on the public revenues, it does appear to me that we could have very well carried on for at least another generation without any tragic happening without either a Registrar of Copyrights or a Copyright Board. The Copyright Board is really in substitution of the courts of law, and I think we could have allowed the courts of law to adjudicate in these matters and no great harm has come of that process.

Similarly, without our having the Registrar of Copyright, the heavens are not going to fall, and we, as authors, would have carried on with the assertion of our rights in the normal law courts. It does appear to me, therefore, that there is a tendency in these days to rush in with the creation of new State organs and new limbs of bureaucracy with which this country is in danger of being flooded.

Lastly, the Bill has now become one which is not in any way inconsistent with our obligations as members of the international community. I speak subject to correction, but I think I am right in saying that those parts of the original Bill which appeared to deviate from international principles of copyright have now been so modified that we may face our fellow-authors in the rest of the world with pride and say that our country has produced a Bill which can take its place among the enlightened laws of other enlightened nations.

That is the kind of approach which those of us who are identified with literary organisations take. I have very great pleasure in supporting the Bill as it has now emerged from the Rajya Sabha and as it is placed before us now.

May I say that almost everything that fell from the lips of the Minister was imbued with the same spirit of reasonableness with which he functioned as chairman of the Joint Committee, and I find very little in those remarks with which we can possibly dissent? I support the consideration of this Bill.

Shri Sadhan Gupta (Calcutta—East): While offering my genuine support to this Bill, I shall have to make a few remarks about certain aspects with which I disagree, and if necessary, I shall move amendments to those particular provisions of the Bill.

I must join Shri M. R. Masani in recording my satisfaction regarding some of the provisions which have been altered by the Joint Committee. The Bill as it was introduced was full of most obnoxious provisions, provisions obnoxious to the authors mainly; and those provisions have been removd by the Joint Committee, and the Bill has been very much improved as a result of the deliberations of the Joint Committee.

The Minister was quite right in saying that the Joint Committee did not go into the matter in a partisan manner. There were free exchanges of views, and many of us succeeded in convincing the Joint Committee as to the necessity of altering many of the provisions. Therefore, I have no quarrel with those provisions, except a few which have been altered by the Joint Committee, to which I shall come presently.

In particular, I must mention the provision regarding compulsory registration or rather practically compulsory registration, which the Joint Committee had altered. It was provided that unless an author had registered his copyright, any proceedings by him would be barred

13.58 hrs.

[MR. DEPUTY-SPEAKER *in the Chair.*]

That was a grossly unfair thing, and it is very proper that the Joint Committee have taken out that provision.

In order, however, to evaluate the Bill, we should have some idea of the approach which a Bill of this description must have. This is a Bill which seeks to encourage the fruition and the flowering of culture in our country. It seeks obviously to ensure that literary, musical, dramatic, artistic and architectural works must flourish as much as possible in our country. The whole idea of the Bill is to create congenial conditions for it.

Now, it is not enough to make culture flower; it is not enough to say that artistic works are produced in large numbers; it must also be gauranteed that it comes to the public as freely as possible. Between these requirements, namely an incentive for the flowering of artistic works, literary works, or dramatic works, or musical works and the necessity of their free circulation among the public, a balance must be struck.

If we have to encourage the production of works of culture, whether they are literary or dramatic works, whether they are musical or artistic works, or architectural works, it goes without saying that we must give some incentive to the creator, a pecuniary incentive without which the creation may not be forthcoming. Therefore, we must ensure that the author must be in a position to exploit his work for his own benefit and for the benefit of his children. It would be a hideous injustice if the author was denied the right to exploit his work and if in spite of a valuable creation by the author, the children of the author were to languish in poverty.

14 hrs.

I remember it happened in China during the war that due to the vagaries of exchange there a professor, who had a Noble Prize, received only the equivalent of Rs. 750, although the prize was worth a lakh of rupees. That was due to the difficulties of exchange control. The professor and his whole family were languishing in poverty; even though he won a Noble Prize, it did not innure much to his benefit.

This kind of thing should not happen to any author in any country and certainly not to authors in our country. Therefore, ample provision must be made for giving the author security during his own lifetime and a reasonable chance to establish his children through the work. That must be provided for. On the other hand, it must also be provided that after the author has had a reasonable chance of exploiting the copyright for his own benefit or the benefit of his children, the public must have free use of it. The creation must ultimately go to the public domain so that it can be produced in a competitive market and that way the public are enabled to obtain it as cheaply as possible.

How to strike a balance between these two requirements? Has the Bill been able to strike that balance? That is the sole question which we have to consider, and it is on this particular point that I have to place on record some of my differences with the Bill. The Bill, as it was first introduced, provided a term of 25 years from the death of the author. Now it has been changed to a term of 50 years. I would say that both these periods are entirely unscientific. One author may die young; another may die at an advanced age. One might have produced his work at a comparatively early age and the other at a comparatively late age. The result will be that different works will enjoy copyright for different lengths of time, for lengths of

[Shri Sadhan Gupta]

time which would, on the face of it, be patently absurd.

For instance, if the author had produced a valuable work at the age of 25 and dies, say, at the age of 90, his work would enjoy copyright for 115 years, whereas if the same author had produced another valuable work at the age of, say, 85, it would enjoy copyright only for 55 years. On the other hand, if an author, young or old, died just after completing a work and publishing it, that would enjoy copyright only for just a little over 50 years.

This shows the patent absurdity of fixing the limitation of the term of copyright with reference to the death of the author, because the death of the author is an uncertain thing in relation to the length of his life, in relation to the distance of time from the publication of his work. This was a very rough and ready calculation accepted by certain countries of the international community—not by all. Let me remind you that important countries do not accept this 50-year term. For instance, the United States has a different system: first a 28-year term of copyright after publication and thereafter, a copyright renewable for another 28 years. Then there is the case of the Soviet Union. It is 15 years after death. Whatever it is, some countries have accepted 50 years on no scientific basis. Therefore, this objection would be open to any term of year which you fix with relation to the life of the author, whether it was for 25 years or for 50 years or for any other term. Therefore, I should think that we should devise some other system which would be more scientific and which would be more equitable between author and author, and that way we should fix a reasonable term for the copyright.

Now, a plan is conceivable. For example, we can fix the copyright for the lifetime of the author, or if the author dies under a certain age, under the age of 90, until the time when he would have been 90 years old and subject to a minimum of 30 years. So here we can make it as scientific as possible, so that it goes on for the lifetime of the author. That it should because the author should have full chance of exploiting his copyright while he is alive. No one would grudge him that. If the author has a comparatively short life, it is necessary that his children should be able to utilise this copyright to establish themselves.

Therefore, if you fix the author limit, till the author would have been 90, then all the children of the author would have been provided for. Now, even then, it may be that the period of the copyright may be uncertain. For example, an author may produce perhaps a valuable work, as I said, at 85. In that case, he would have only 5 years to go and no publisher would think it safe to buy the copyright from him. Under these circumstances, you can provide a minimum term of 30 years so that in any case the copyright would run for 30 years or whatever number of years may seem equitable and which would not run beyond a reasonable limit, which would not run so far into the author's posterity that it might encourage idleness in the author's posterity.

Now, in 50 years after the death of the author, I believe all the children of the author would die and it is the grand-children or perhaps still further on, perhaps some of the great-grand-children who would be enabled to live an idle life on the score of the work done by their grand-father or a great-grand-father. That is a very undesirable state of affairs. I could have understood even that. But the point is that this 50-year term, which is being provided, will in most cases, not be for the benefit of the author but will be for the benefit of the publishers.

That is even more undesirable and the creator of a valuable work of importance will be compelled to sell

it away to the publishers. As you have pointed out, the authors in our country are poor people and most of them will sell away their rights to the publishers. In these circumstances it is conceivable—perhaps it would so happen—that in most cases if the author lives sufficiently long, the publisher would have a full 100 years or so to exploit the work. That is unconscionable with a vengeance and I do not think we should countenance that kind of thing. If copyright is assured for 30 years, I believe, publisher would have a sufficient time to undertake the risks and thereby authors would gain, the publishers would gain and society also would gain, because after a period of 30 years or, perhaps, more if the author lives longer, the work would come to the public. Therefore I would earnestly appeal to Government to adopt this plan of fixing the term of the copyright.

I know that the Deputy Minister was at one time enamoured of this plan but now, of course, something has happened. That is the thing that I would press for in the interests of equity particularly as between the author and society. Because, after all society should not be denied the access to a valuable work for an unreasonable length of time. It has been sought to be justified—this 50 years' time—on the ground that authors are not rich people and, therefore, they should have this period of exploitation. I know authors are not rich people. But the point is, if the authors are not rich people, should we let the work to be exploited by his posterity. I can understand his children having the fruit of it if it is a good enough work. The children will be profited by it, will be able to establish themselves by exploiting it. But, why should we allow it to be utilised further into his posterity? Let us not forget, that if the authors are not rich people, that it is not they that are going to exploit the work; they are not going to hold on to the work; they are going to sell it away to others and those others will exploit it for this inordinate length of time. Therefore, I would again request the Minister to adopt a different plan in relation to copyright.

Although this copyright has been lengthened in the case of the authors, one provision has been made which is seriously detrimental to the authors. I mean the provision made in clause 17 of the Bill regarding the first principle of copyright. I think it should be a cardinal principle of copyright that as a rule the creator of the work should have the copyright in his work. If any exception has to be grafted, it must be grafted not by law but by agreement between the creator and some other person in whose interest he might be creating the work.

For instance, a newspaper employs some correspondent to send in interesting stories which may have some value, interesting despatches which may receive wide circulation. If you pay the correspondent adequately there is no reason why the correspondent will not rescind his copyright for you. You can secure the copyright that way. I can understand that the newspaper, whose correspondent the author is, may enjoy the copyright to the extent of reproducing the despatches in the newspaper. But what is the meaning of enabling that newspaper to publish it in any other newspaper, magazine or periodical? I do not understand the meaning of it.

Similarly, it is provided that if an author is employed by someone else and produces a work under a contract of service, it is not the author that will be the first owner of the copyright but it will be the employer. Why? If the employer wants to be an owner of the copyright, if he wants to have the right of exploiting the copyright, let him have an agreement with the author. If he has an agreement with the author there is nothing to bar him from taking the copyright; but, why do you initially grant him the ownership of the copyright? This is not a difference in principle; only in practice it will be causing serious hardships to the authors.

[Shri Sadhan Gupta]

You know, in many cases, the authors may be commissioned by telephone to write for a newspaper. Somebody might telephone to you or to me and say: You write an article for us. I write the article. They publish it in the newspapers. Why should they have the right to publish it in any other newspaper, magazine or periodical? Their right should end by publishing it in the newspaper for which they get it written. If they want this further right, they should pay for it. But, if you provide by law that if you do a commissioned work, it is the person who commissions that will take the first ownership of the copyright, then, placed as the authors are in this country, they will never be able to have a contrary agreement. If the law stands like this, that the author *prima facie* will have the ownership of the copyright apart from the production in the newspaper concerned, then, he might bargain. He may say: Give me something more and I will give you the right. But if you put the law, the other way, if you want the employer to contract out, the author will be in a very unenviable position because he is not a person who can stand out or resist when an offer come to him.

Shri Masani said that he is a grown up person. It may be, he is grown up, but in the circumstances, he is so placed, that it would be very difficult for him to look after himself. Therefore, I would strongly recommend the changing of the scheme of section 17. I think the provisos are absolutely unnecessary. It is enough to provide that the author shall be the first owner of the copyright, subject, of course, to an agreement to the contrary. Whether it is the case of a government work or whether it is the case of other work, there is no difficulty in arriving at an agreement, provided you make sufficient payment. There is no difficulty in arriving at an agreement with the author, however, that he will not be first owner and that it will be the Government or the employer or the persons who claim it will be the first owner of the copyright. It is only that way that you will strengthen the author's position in bargaining. And, if you put it the other way, the author will never be able to secure the ownership of the copyright from his employer. It is not unknown that in this country employers of this kind are often unscrupulous and they will exploit the advantage with a vengeance and make it impossible for the authors to get the ownership to copyright....

Dr. K. L. Shrimali: What is the suggestion of the hon. Member?

Shri Sadhan Gupta: My suggestion is to only retain the first part of clause 17 with this modification, that is to say, the author will be the first owner of the copyright in the absence of an agreement to the contrary. That is all and all the provisos should be done away with.

I have now a few remarks to make with regard to certain provisions. Regarding the definition of the word 'adaptation', I am very much opposed to defining 'adaptation' in a rigid manner, because 'adaptation' may be of such variety that it may not be possible to cover all kinds of 'adaptation' by rigid definition. For example, here, it has been defined in a certain way and I find that under the definition if any one turns the dramatic work into an opera, for example, it is not covered by 'adaptation'. Therefore, any person can take hold of a dramatic work and may turn it into an operatic work and that kind of piracy will not be covered by the word 'adaptation' and he is free to do it, although if he takes hold of a fiction and turns it into a drama or an opera, then, of course, it will be covered by the word 'adaptation' as defined here. We always prefer 'adaptation' to be understood in a popular sense. Very often in legislating we use popular expressions. They are much better because they are better understood and if we define 'adaptation' as not meaning certain things, but as including certain things concerning which there may be doubts, then, I think the definition of

'adaptation' will become popular and will enable the courts to do justice between authors and those who commit piracy of their copyrights.

The other remark I would offer is regarding the term of the 'broadcast' reproduction right. I believe the term of 25 years has been fixed for broadcast—reproduction right. I would say that it is hardly conceivable that a radio programme would retain its value for 25 years. Therefore, it is absolutely unnecessary to keep it away from the public for such a long time. I can understand 3, 4 or 5 years, but it is inconceivable that a radio programme will retain its value for so long.

Similarly regarding records of photographs, I think it is inconceivable that any record or any photograph and for the matter of that any cinematograph will retain any financial value for 25 or 50 years. So a lower term should be fixed in respect of these things.

I turn now to a very important provision which arise out of, I think, clause 52. A number of exemptions have been laid down which would not amount to an infringement of copyright. There, I do not find the reports of speeches made in the Legislature, for example. I am speaking in Parliament; it is being reported. Other Members will speak on various subjects. Those speeches will be reported; if we have to publish those speeches, not in a newspaper report, of course, but just publish those speeches otherwise, it would be an infringement of copyright. That is very undesirable. There may be a variety of reasons on account of which we might have to publish these reports; for instance, during an election campaign, there might be a candidate belonging to a rival party who had been in parliament and it may be necessary for another party or another candidate to show him up to the public by publishing his speeches or it might be necessary for me, Sir, or for any other candidate who is facing the electorate in any election to show up what I have done in the Parliament and if I choose, I should surely be able to publish speeches which I have made or even the speeches which others have made in order to show up the party who is opposing me. I do not see why there should be any hindrances in the way of such publications. Speeches made in the Legislature should be most widely published; they are not very much of a financial value; they do not bring very great profit to the Government. On the other hand, every member of the public is interested in having access to them and every member of the public should have the free right to publish those speeches and to keep the public informed about it, even apart from contemporaneous newspaper reports. Therefore, I would appeal to the Government to accept the amendments which may be tabled later or to bring forward amendments themselves to exempt this category of literature from the rules regarding infringement of copyright.

Having said so much, I once again give my general support to the Bill because by and large it is a Bill which will be of assistance to the authors except for clause 17, of course, and if the Bill is amended, as I have suggested, it will be a valuable instrument in promoting the cultural development of our country.

Shri D. C. Sharma (Gurdaspur): Mr. Deputy-Speaker, this Bill has a three-fold purpose. In the first place, it is to protest the rights of authors, and in the second place, it is to protect the rights of those persons who are sometimes responsible for subsidizing these authors and in the third place, this Bill provides some safeguard so far as the social aspect of all literary and creative work is concerned. I believe that with regard to the rights of those concerned with money and who are in a position to commission the work of those authors, the Bill has erred on the side of excess. I think

[Shri D. C. Sharma]

this Bill does not give one the impression of the socialistic concept of our society which we are trying to bring into being as fast as possible. I believe that the rights which have been given to these on account of their money, on account of their long purses and on account of their capital which are all there to purchase the work of some others, have been exaggerated. I feel that the ownership of the copyright as vested in these persons and vested also in a very pronounced way should not have happened. After all, so far as creative work is concerned, the money aspect of it is not as important as it is made out to be. The creative aspect of it should have been played up and the money aspect of it should have been played down but I find that in case of certain publications commissioned by newspapers or magazines or journals, this right has been overweighted in the case of proprietors and has not been given a due place so far as authors are concerned. That is the first thing which I wish to say. The second point is this.

Dr. K. L. Shrimali: Will the hon. Member let me know to which Clause he is referring which gives weightage to the proprietor?

Shri D. C. Sharma: Chapter IV entitled "Ownership of copyright and the rights of the owner". I am glad that the rights of the author are also going to be protected. I think this is the first time we are going to have a thing in this way. But I do not understand by what law of equity or of biology or of racial preservation, the framers of this Bill have arrived at the figure of 50 years. It is said that the copyright will vest in the author or his descendant or his heir for 50 years after his death. I think we should not ignore the social aspect of the authorship. We have to take into account the social context of our country and it is this. So far as literacy is concerned, ours is a backward country. Our cultural traditions are great. We have a great legacy behind us. But taking into account the low incidence of literacy in this country and also the slow progress of free and universal education in this country as well as the fact that the cultural resources of our country are not available to the people at large, I would have thought that the period for which an author could enjoy the copyright after his death should have been equal to the average expectation of life of an individual. This means that you will give this copyright business to an author for about generations. It may be possible in other countries. It may be done in some of the countries of the west. I don't deny it. Perhaps our Minister has many examples of that. But I think it should be done only up to the average expectation of life of an Indian citizen, that is, 30 years or 35 years. From this point of view, I feel that the Bill is very unsatisfactory.

Again, Sir, I would say that this Bill suffers from a great deal of unnecessary verbosity. Of course, the Minister is entitled to ask me as to where the verbosity lies and where it could be found. If I had time, I would be able to point it out. I have been in the habit of condensing works of art and appreciating works of art. I have done works of that kind and I believe that a creative artists—whether he is a composer or a musician or a writer—whatever he may be, should not be saddled with so many legal subtleties and legal complications. This Bill, I believe, has placed a great deal of weight on the poor author. I think the author will now have one foot in the office of the man who pays him and the other foot in the office of the person who is going to interpret the laws of copyright. This Bill has been overweighted so far as legal complications go. I think there are many unnecessary repetitions here. There are many things here which should have been kept out. There is nothing like commonsense to be found anywhere. We have to explain everything when we define a thing. If you want to define a table, you have to define it in correct

terms and you cannot leave it to the imagination of the reader; so also you have to define what you mean by a chair. This has got to be defined. If I may express a term which now comes to my mind, this Bill is a very big 'legal conundrum.' This Bill is meant for the lawyer and for the interpreters of the law. I agree with what my friend Shri Masani said. I know that certain instructions are very necessary and I know also that the appointment of certain officers is very necessary—all that I know. It is now an integral part of the Bill that we should create a new Board. That new board should have a chairman, members ranging from three to ten and other paraphernalia.

In India, creative writing is not to be found plentifully. It is not on a scale in which it is in some other countries. But, that is not the fault of India. Books are not published in such large numbers here as in other countries. I do not want to name those countries because you get into trouble when you name any other country on the floor of this House. I know that we are deficient so far as publishing is concerned. All that we publish is not to be designated as creative writing. I do not know why all this administrative apparatus is going to be brought into being. This could have as well been left to the High Courts concerned. The Punjab High Court will have done this work for Punjab; similar will be the case with regard to the other States.

We have developed a strange way of doing things during recent years. No Bill is complete and no work is fully done, we feel, unless we can produce for the delectation of the citizens of India, a board complete with all the paraphernalia which we associate with the board—chairman, registrar, deputy registrar and so on.

This Copyright Bill is useful. I do no deny it. But, I also say that the judicial element, if I may call it that way, has been brought into it to such an extent that if any creative artist or author reads this Bill, he will never try to produce any creative work. This Bill will frighten him into doing nothing.

I am not very happy over the paraphernalia that has been brought into the Bill. We should have waited for sometime and the Minister could have come to us after some time. At that time, he may have said: "Now, this creative talent is diffused in a much larger degree." Then, we could have it.

The most difficult problem in this country is not the problem of copyright or the infringement of copyright but the problem of piracy. There may be all these problems.

Mr. Deputy-Speaker: Would not that be an infringement of copyright?

Shri D. C. Sharma: It is an infringement. Piracy is going on on a large scale in India...

An Hon. Member: Why in India alone?

Shri D. C. Sharma: You know about other countries and you can talk about other countries but I can talk about India.

I was connected with the University and I know that it has brought out some books. Those books have been pirated. It becomes very difficult, with all the paraphernalia of registrar and all that, to detect and publish those pirates. It is not only in the case of a university. I received a letter from a very respectable firm that their book had been pirated. This is very unwelcome. I do not know how this Bill is going to put an end to this piracy. You can even catch me if I bring out some book or somebody's work and give my name there; you can apprehend me if I do anything of that kind. But what do you think of these secret foes of creative writing? They are subterranean criminals who are making an assault on the rights of poor and needy authors. I do not think that this Bill does anything in that

[Shri D. C. Sharma]

direction. Piracy is very much diffused in this country but it is not tackled here. Unless that is tackled, all these Bills will not lead us anywhere.

There is no doubt that Chapter XI, infringement of copyright, has been made very comprehensive. There are many clauses and sub-clauses. Here, I may give you a case. When I was at Lahore, I was called as a witness in a court of law on account of a copyright case. A gentleman produced a book and another gentleman tried to give a liberal and very free translation plus criticism plus appreciation of that very book in a modern Indian language. It was not a translation or abridgement. It had very little resemblance with the original and yet contained what was in the original. Was it an infringement of the copyright? That was the question. The gentleman who presided over that Court—he is now, I think, a Judge of the High Court in one of the countries of this world—said that that was not an infringement of the copyright. It was given there that the right of translation was reserved.

There are very subtle brains in our country who can circumvent the regulation and copyright by producing something which is like the original and yet not like that. It is a paradox. What is there in this Bill to safeguard the interests of these people? I appeared as a witness in that case because it was instituted by the Punjab University. It was the complainant and the defendant was publisher. He had done that and yet there was no remedy for it in the hands of law at that time. Nor does this Bill provide any remedy for that kind of infringement.

In every Bill we give rule making powers to the executive and that has been done in this case also. But, I would ask you one thing, Sir, is it not necessary that the rules should deal with procedural things and not with basic and fundamental things? The basic and fundamental things should go into the body of the Bill itself. As a person who was a member of the Subordinate Legislation Committee during the last Parliament I can say that our executive very often exceeds the powers which are granted to it in a Bill so far as rule making is concerned.

Dr. K. L. Shrimali: May I refer the hon. Member to subclause (3) of clause 78 where it is stated:

> "All rules made under this section shall, as soon as may be after they are made, be laid before both Houses of Parliament...."

They can then be modified.

Shri D. C. Sharma: Sir, I thank the hon. Minister. Like a school master the hon. Minister has tried to teach me a most obvious thing which is a part of every Bill that comes before the House.

Mr. Deputy-Speaker: Perhaps the hon. Minister thought just the same way, that the teacher was teaching him.

Shri D. C. Sharma: Exactly, and you are, Sir, the teacher of teachers and you are teaching both of us.

I wish to submit most respectfully that here the rules which are going to be made by the executive are such as deal with some of the fundamental things that should have formed a part of the Bill itself; for instance, the form of applications etc. When we were discussing some other Bill, I remember the form of complaint etc. were given there. In this case the procedure to be followed in connection with any proceeding before the Registrar is also left to the executive. From my experience in the Subordinate Legislation Committee I can say that the executive is not always very keen on preserving the spirit of the law, and also on keeping within

the four corners of the powers given. Very often they exceed their powers. If you look at the proceedings of the Subordinate Legislation Committee you will find how many times we have pointed this out. It may not happen in this case, but I must say that these things, which are the very spirit of this Bill, should have been given in the Bill itself by way of an Appendix so that we may know what they are.

Sir, this Copyright Bill is an advance on what exists at this time; there is no doubt about it. But, during the last five years I have found that after we have passed a Bill we bring in an amendment after six months or one year, because we find that the law that has been passed does not work as well as the framers had thought it to work. So my hope does not lie so much in the Bill that is being discussed on the floor of this House now, but in the amending Bill which will come after six or eight months. And I hope that in the amending Bill I will be in a position to bless more than I can do in the case of the present one.

पंडित ठाकुर दास भार्गव (हिसार) : इस बिल पर कई नुक्ते निगाह से इस हाउस में बहस हुई है । हमारे आनरेबल मिनिस्टर साहब ने भी फरमाया था कि इस बिल को ज्वाइंट सिलेक्ट कमेटी ने भी कई नुक्तेनिगाह से देखा है । इसके अन्दर खास तौर पर आथर्स के राइट्स का खयाल रखा गया है और पब्लिशर्स के राइट्स का खयाल रखा गया है और जो सबसे बड़ी चीज है, जिसको कि मिनिस्टर साहब ने बतलाया है, पब्लिक के राइट्स का भी खयाल रखा गया है ।

सच तो यह है कि कापीराइट पब्लिक के राइट्स के बखिलाफ एक पहला कदम है । अगर कोई शख्स एक किताब छाप दे या कोई और वर्क आफ आर्ट क्रियेट कर दे और उसको सिर्फ अपनें ही फायदे के वास्ते रखे तो इसमें कोई शक नहीं कि वह पब्लिक के राइट्स के बखिलाफ एक ऐक्ट है । इस बिल के अन्दर जो बहत वसीह राइटस आथर्स को दिये गये हैं यह तो दुरुस्त है कि ये इंटरनेशनल कनवेंशन के मातहत दिये गये हैं, और दूसरे मुल्कों में भी दिये जाते हैं, लेकिन यह कि उसको अपने मरने के पचास साल बाद तक राइट्स रहेंगे यह पब्लिक के हक्क के खसूमन बखिलाफ है । मैं यह समझ सकता हूं कि एक शख्स जिसने अपने दिमाग से कोई अच्छा काम निकाला है वह उसका फायदा अपने तक महदूद रखे । यह ठीक है कि वह उसका पूरा फायदा उठाये लेकिन मौजूदा बिल के मुताबिक तो यह फायदा करीब एक सदी तक पहुंच सकता है । यह फायदा एक आथर के वास्ते भी बहुत ज्यादा है। इस जमाने में जिसको कि सोशलिस्ट जमाना कहते हैं, हर एक शख्स जो काम करता है वह मासिवा कि अपने वास्ते करता हो, बिला शक व शुबह उसका फायदा और नुकसान पब्लिक को साथ साथ होता है । कोई शख्स कई किताब लिखे या कोई अच्छी तसनीफ करे या और कोई भी अच्छा काम करे, तो वह एब्सोल्यूट गुड और एब्सोल्यूट बैड तो होता नहीं । हर एक किताब के अन्दर ऐसी चीजें भी मौजूद हैं कि जिनसे पब्लिक को नुकसान पहुंच सकता है और ऐसी चीजें भी होती हैं जिनसे पब्लिक को फायदा पहुंचता है । इस वास्ते इन सब चीजों को इस किस्म की मनःपेली बना देना कि सौ बरस तक राइट रहे मैं जायज नहीं समझता । लेकिन यह इंटरनेशनल कनवेंशन है और यह बिल राज्य सभा से पास हो कर आया, हमारे मिनिस्टर साहब ने इसकी बहुत तारीफ की और वह इसको बहुत अच्छा समझते हैं, इसलिये मैं इस बारे में अपनी नाकिस राय उन पर इम्पोज नहीं करना चाहता और मैं इस उसूल पर ज्यादा नुक्ताचीनी नहीं करना चाहता कि क्यों इसका अर्सा जो कि ओरिजिनल बिल में २५ साल था बढ़ा कर ५० साल तक कर दिया गया है । कुछ सूरतों में २५ साल भी बहुत ज्यादा हो जाता है । अगर कोई नौजवान तसनीफ करता है और वह बड़ी उम्र तक जिन्दा रहता है तो उसके सामने ही उसके कई जेनेरेशन बीत सकते

[पंडित ठाकुर दास भार्गव]

हैं। और उस सूरत में जब कि कोई शख्स सौ बरस तक जिन्दा रहे तो पब्लिक के वास्ते कोई राइट बचेगा इसमें मुझे शक है। इसकी यह एक आसपेक्ट है जिसको अर्ज किये बगैर मैं नहीं रह सकता था क्योंकि मुझ को यह इतना लम्बा अर्सा बहुत अनकांशनेबल मालूम होता है।

जहां तक आथर्स के राइट्स का सवाल है मैं खुश हूं कि आथर्स को और दूसरे अशखास को जो अपनी तसनीफ या अपने लियाकत से ऐसा काम करते हैं जो आम तौर पब्लिक के भले के लिये होते हैं वे मुआवजे के हकदार हैं इसमें कोई शक नहीं है। और वह मुआवजा मुनासिब भी होना चाहिये। लेकिन आज इस कमर्शियल दुनियां में उनको वह मुआवजा पूरा तो क्या मिलेगा, बहुत कम हद तक मिलता है। जब मैं इस में तारीफ पढ़ता हू उस शख्स की जिसको कहना चाहिये आथर आफ दी कापीराइट या ओनर आफ दी कापीराइट तो मैं देखता हूं कि ऐसी किसी चीज में जिस में वह वहैसियत किसी शख्स के पास काम करता बतौर उसके मुलाजिम के उसके अन्दर उसकी जो पोजिशन है वह एक सबार्डिनेट की बन जाती है और वह अपनी पावर्स को रैलिगेट कर देता है उस शख्स के हक में जिसके पास कि वह नौकर है। इसका यह मतलब हुआ कि नौकर तो उसको रख लिया गया और साथ ही साथ उसके दिमाग पर और उसकी जितनी दूसरी ताकतें हैं उन पर भी कब्जा कर लिया गया। इसमें कोई शक नहीं है कि उसके भी कुछ राइट्स हैं उस सूरत में जब कि वह किसी दूसरे के पास नौकरी करता है। लेकिन मैं श्री साधन गुप्त की इस क्रिटिसिज्म से सहमत हूं कि वह आथर खुद ओनर आफ कापीराइट का होना चाहिये और अगर वह कोई आर्टिस्टिक वर्क बनाता है तो किसी सूरत में भी उसकी सैकिंडरी पोजिशन नहीं होनी चाहिये। उसको सैकिंडरी पोजिशन में रैलिगेट नहीं किया जाना चाहिये क्योंकि आखिर वही शख्स है जिस के दिमाग से वह चीज निकली है और उसी का, जो दूसरा शख्स है फायदा लेता है, महज इस वजह से कि वह उसकी सर्विस में है।

15 hrs.

अब मैं एक दूसरी ही चीज माननीय मंत्री जी की खिदमत में पेश करना चाहता हूं। जब कि आदमी एक किताब को लिख देता है और उसको पब्लिश करवा देता है तो वह एक तरह से पब्लिक प्रापर्टी बन जाती है ख्वाह उसकी रिपब्लिकेशन का राइट या उसका लाइसेंस देने का हक उस आथर में ही रहे। जब एक बार कोई चीज पब्लिक में आ जाये और पब्लिक उससे फायदा उठा ले तो एक सेंस में पब्लिक को उसके फायदे से महरूम करना जायज नहीं है। हमारे हाउस में जब एक लैजिस्लेटर एक बिल पेश कर देता है या इंट्रोड्यूस कर देता है तो वह जो प्रापर्टी है वह हाउस की बन जाती है और उसको वह हाउस की मर्जी के बिना वापस नहीं ले सकता है। इंट्रोड्यूस करने के बाद वह उसका मालिक नहीं रहता बल्कि हाउस उसका मालिक हो जाता है। अगर कोई राइटर एक बार कोई काम कर दे और वह पब्लिक के सामने आ जाये तो बाद में कभी भी पब्लिक को उससे महरूम नहीं किया जाना चाहिये। अगर ऐसा होता है तो यह वाजिब नहीं है। आथर को उसका जो हक है वह मिलना चाहिये और जो मुनासिब हक है वह उसको दिया जाना चाहिये। मैं यह नहीं चाहता कि उसको उसके हक से महरूम कर दिया जाये। लेकिन मैं यह चाहता हूं कि अगर यह पब्लिक इंटिरेस्ट में हो कि उसको रिपब्लिश किया जाये तो इसका इस ऐक्ट के अन्दर उसको अखत्यार दिया जाना चाहिये कि वह इजाजत दे कि इसको रिपब्लिश कर दिया जाये। यह हो सकता है कि वह आथर इस काबिल न हो कि वह

खुद अपने द्वारा इस चीज को पब्लिश करवा सकता हो और ऐसी सूरत में अगर कोई शख्स उससे इजाजत चाहे, तो ऐसे हालात बन सकते हैं कि वह आथर उसको रिपब्लिश करने की इजाजत न दे और उसको कुछ एतराजात हो सकते हैं। ऐसी सूरत में उनको मानना पब्लिक इंटिरेस्ट में नहीं है, पब्लिक इंटिरेस्ट के खिलाफ है। मैं खुश हूं कि हमारे आनरेबल मिनिस्टर साहब ने अपनी तकरीर में इस उसूल को तकरीबन तसलीम कर लिया है। उन्होंने कहा है कि सब से जरूरी चीज यह है कि हम रिपब्लिककेशन के राइटस देना चाहते हैं और पब्लिक के जो राइटस हैं और जो जायज राइट्स हैं उनसे उसको महरूम नहीं करना चाहते हैं। इस चीज को देखते हुए इस बिल में दफा ३१ जो रखी है उसके चन्द अलफाज मैं आपको पढ़कर सुनाना चाहता हूं जिन पर कि मुझ को एतराज है। इसमें लिखा है :—

"If at any time during the term of copyright in any Indian work which has been published or performed in public, a complaint is made to the Copyright Board that the owner of copyright in the work—

(a) has refused to republish or allow the republication of the work or has refused to allow the performance in public of the work, and by reason of such refusal the work is withheld from the public; or

क्या करना होगा :—

"the Copyright Board, after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may if it is satisfied that the grounds for such refusal are not reasonable, direct the Registrar of Copyrights to grant to the complainant a licence to republish" etc.

इसके जो ये अलफाज हैं

"if it is satisfied that the grounds for such refusal are not reasonable".

ये पब्लिक इंटिरेस्ट के खिलाफ हैं, यह चीज उसूली तौर पर गलत है।

The heading is: "Compulsory licence in works withheld from Public".

अगर एक शख्स की वजूहात ये हैं कि किसी शख्स ने उसे पैसा काफी नहीं दिया है, मुआवजा काफी नहीं दिया है, या यह वजूहात हैं कि उसके पास पैसा नहीं है और वह उसको रिपब्लिश नहीं करवा सकता है, तो ऐसी सूरतों में क्या यह कहा जा सकता है कि ये रीजनेबल वजूहात हैं अनरीजनेबल वजूहात नहीं हैं। एक आथर कहे कि मेरे पास पैसा नहीं है और मैं इसको रिप्रोड्यूस या रिपब्लिश नहीं करवा सकता हूं तो इसमें कौन सी गलत बात है। ऐसी सूरत में बोर्ड उस शख्स को जो लाइसेंस चाहता है जो इसको पब्लिश करवाने का अधिकार चाहता है, हुक्म दे कि इसके लिये वह आथर को मुआवजा दे। अगर कोई शख्स कापीराइट का अधिकार चाहता है तो उसे उस शख्स को इन आल फैयरनैस, ईमानदारी से इसका मुआवजा देना चाहिये और आथर को इसका मुआवजा मिलना चाहिये। चुनाचे यह इसके अन्दर प्राविजन है :—

"republish the work, perform the work in public or communicate the work to the public by radiodiffusion, as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Copyright Board may determine; and thereupon the Registrar of Copyrights shall grant the licence to the complainant in accordance with the directions of the Copyright Board, on payment of such fee as may be prescribed".

[पंडित ठाकुर दास भार्गव

जहां तक उसूल का ताल्लुक है उसे मान लिया गया है और कहा गया है कि कापीराइट बोर्ड कम्पलेशन दिलाये आथर को और कापीराइट लाइसेंस दे दे । लेकिन अगर इसमें यह लिखा जाता और सीधे तौर से लिखा जाता कि अगर पब्लिक इंटिरेस्ट में ऐसा करना जरुरी हो तो कापीराइट बोर्ड इजाजत दे दे तो यह निहायत मुनासिब होता । अगर आथर कोई खास वजह देता है और चाहता है कि उसकी किताब को न छापा जाये तो भी मैं एतराजज नहीं करूगा । लेकिन यहां पर तो यह लिखा है ।

"Grounds for such refusal are not reasonable.."

मैं अर्ज करता हूं कि ऐसी सूरत में पब्लिक इंटिरेस्ट में और उसकी बिला वजह की रिफ्यूजल में या रीजनेबल रिफ्यूजल में, इन दोनों में क्लेश होता है । अगर उसकी रीजनेबल रिफ्यूजल है और वह यह है कि उसके पास पैसा नहीं है, तो यह जो रिफ्यूजल है यह अनरीजनेबल है क्योंकि उसको इसके लिये पब्लिक से पैसा दिलाया जा सकता है, कम्पेंसेशन दिलाया जा सकता है और इस तरह से पब्लिक के इंटिरेस्ट को सेफगार्ड किया जा सकता है ।

आनरेबल मिनिस्टर साहब एक कापीराइट बोर्ड बनाने जा रहे हैं जिसमें एक शायद सुप्रीम कोर्ट का जज होगा या हो सकता है और उसके अलावा तीन आदमी और होंगे । इस बोर्ड को इस तरह की पावर देने में माननीय मंत्री जी क्यों हिचकचाते हैं, यह मेरी समझ में नहीं आया । अगर यह चीज पब्लिक इंटिरेस्ट में हो तो अगर बोर्ड चाहे तो इस चीज की इजाजत दे दे और इसको रिपब्लिश कर दिया जाये । यह एक मुनासिब बात है और यह पब्लिक का हक भी है । अगर न वह खुद छापता है और न दूसरों को छापने देता है, तो यह पब्लिक गुड में नहीं है । हां उसको इसका मुआवजा अवश्य मिलना चाहिये । लेकिन इस सब चीज का बेस्ट जज कौन हो । इसका वेस्ट जज आथर नहीं है और न ही वह होना चाहिये । इसमें पब्लिक इंटिरेस्ट को देखा जाना चाहिये । अगर उसके पास रुपये नहीं हैं और वह नहीं छापता है तो इसको आपको उसके ऊपर नहीं छोड़ना चाहिये । इसका अखत्यार पब्लिक को होना चाहिये, कापीराइट बोर्ड को होना चाहिये और पब्लिक युटिलिटी को ध्यान में रख कर यह सब किया जाना चाहिये । अगर इस चीज का फैसला करने का अखत्यार आप खुद भी ले लें तो भी मुझे कोई एतराज नहीं है । अगर आप इस अखत्यार को कापीराइट बोर्ड को देना चाहते हैं तो उसको आप दे दें ।

मैं चाहता हूं कि यह पार्लियामेंट जहां कि हाइऐस्ट विजडम मौजूद हैं

"Satisfied that grounds for such refusal are not reasonable".

इन लफ्जों के बजाय

"If in the opinion of this Copyright Board, it is in the interests of the general public, to allow such republication"

यह लफ्ज रख दिये जाते ।

मैं अदब से अर्ज करूगा कि मुनासिब यही है कि इसके अन्दर जहां तक पब्लिक का सवाल है इसको इस हद तक दुरुस्त किया जाये ताकि पब्लिक को इसमें कोई शिकायत न रहे ।

सके आगे अगला सैक्शन ३२ है जो ान्सलेशंस के मुताल्लिक है । उसके बार में जैसा कि हमारे आनरेबुल मिनिस्टर ने कहा है उन्होंने इसको इसलिये रक्खा है चूंकि इंटरनेशनल कन्वेंशन यही है और वह इंटरनेशनलन कन्वेंशन के खिलाफ नहीं जाना चाहते । में यह मानने को तैयार हूं कि

उनकी यह वजह नामाकूल नहीं है और चूंकि उन्होंने दीगर चीजों में जब इंटरनेशनल कन्वेंशन को माना है तो इसमें भी वे इंटरनेशनल कन्वेंशन के खिलाफ नहीं जा सकते थे ।

जहां तक लोजिक की बात है मैं उनसे सहमत नहीं हूं और मैं अभी भी अर्ज करूंगा कि लाजिक्ली यह पोजीशन दुरुस्त नहीं है । मैं मानने को तैयार हूं कि उन्होंने जो यह वजह राज्य सभा में दी वह कुछ नामाकूल नहीं थी क्योंकि इंटरनेशनल कन्वेंशन हमारे वास्ते वाजिब ताजीम है । लेकिन मैं अदब से अर्ज करूंगा कि इंटरनेशनल कन्वेंशन एक चीज है और पब्लिक इंटरेस्ट और लाजिक दूसरी चीज है । मैं आपसे अदब से पूछना चाहता हूं कि जब असली किताब के वास्ते तो आपने यह ला बनाया है तो किस लाजिक और किस बेसिस पर आप यह रवैया अख्तयार कर सकते हैं कि उसका ट्रान्सलेशन करने की इजाजत आप कम्प्लेनेंट को न दें । दफा ३१ में आपने यह लिखा है कि हम कम्पलसरी लाइसेंस किसी इंडियन वर्क को देंगे जो कि विदहेल्ड फ्रोम पब्लिक हो । मैं पूछना चाहता हूं कि ओरिजनल किताब से क्या उसका ट्रांसलेशन ज्यादा सैक्रोसेंक्ट है ? उसका "इ" हिस्सा रक्खे जाने के काबिल नहीं है ।

इस बिल पर राज्य सभा में हुई प्रोसीडिंग्स को पढ़ने से यह मालूम हुआ कि वहाँ पर (इ) सेक्शन के ऊपर ऐतराज किया गया और उसके ऊपर बहस हुई ।

एक मेम्बर साहब ने इस तरह फरमाया :

"May I also ask one question? According to clause 30, you permit even a book which has been withdrawn by the author to be published. You say that a licence can be granted to publish that book. So you permit the publication of a book even though it is withdrawn, but you will not permit the translation of a book which has been withdrawn. According to clause 30, the Copyright Board cannot give permission to translate that book. That means you can publish the original book but not translate it".

यह आब्जेक्शन था और वहां पर एक मेम्बर साहब ने फिर ऐतराज किया और इस तरह कहा :

"Part (e) says: "that author has not withdrawn circulation of copies of the work'. The words 'unless' and not cancel each other, which means that if a book has been withdrawn from circulation, then its translation shall not be permitted. So, the position will be this. The original book, though withdrawn, will be permitted to be published under clause 30, but under this clause as proposed, its translation will not be permitted."

Mr. Deputy-Speaker: He might give these arguments on his own behalf. He need not refer to the speech of another Member of the Council.

Pandit Thakur Das Bhargava: I will not read out; you will excuse me. I want to read what the hon. Minister said at that time. The Minister made a reply which did not favour the acceptance of that amendment. On that the Deputy-Chairman said:

"I think their doubt is this. If any person makes an application to the Copyright Board, in spite of the fact that the author has withdrawn his work, if it is in public interest, the Copyright Board can give permission to republish, enact or televise. That is, under clause 30, you allow republication, but under clause 31, if the author has withdrawn from circulation a particular work, then nobody can be allowed to translate it. One is contradicting the other. That is their doubt."

डिप्टी चेयरमैन ने आनरेबुल मिनिस्टर को वहां इस तरह एक्सप्लेन किया ।

Then Dr. Shrimali said, "I do not want to press this. I am quite prepared for the deletion of this."

Dr. K. L. Shrimali: Read the whole thing.

Pandit Thakur Das Bhargava: I will read. The Minister said:

> "My reason why I wanted it to be retained was that this is in accordance with the Universal Copyright Convention."

I do not say that the argument is bad, but at the same time, I say that whatever may be the Universal Copyright Convention, if a thing is illogical or is such that you ought not to accept it, you ought not to care for the convention also in particular matters. It may be a very small matter. This Member said, "I want the deletion of part (e)", but the Deputy-Chairman said, "No; I will put the whole clause".

Mr. Deputy-Speaker: The rule that we have framed on this point is Rule 354, which reads:

> "No speech made in the Council shall be quoted in the House unless it is a definite statement of policy by a Minister:
>
> Provided that the Speaker may, on a request being made to him in advance, give permission to a member to quote a speech or make reference to the proceedings in the Council, if the Speaker thinks that such a course is necessary in order to enable the member to develop a point of privilege or procedure."

पंडित ठाकुर दास भार्गव : मैं इस रूल से वाफिक था और इसी वजह से मैं ने किसी मेम्बर साहब का नाम नहीं पढ़ा लेकिन आनरेबुल मिनिस्टर और हाउस के सामने पूरी तरह से अपनी बात रखने के लिये और आर्गुमेंट के तौर पर अपनी बात समझाने के लिये यह जरूरी था कि बग़ैर किसी मेम्बर का नाम लिये वह आर्गुमेंट उसी तरीके से मैं यहां पर रखता जैसे कि डिप्टी चेअरमैन साहब ने उसे राज्य सभा में समझा था । मैं अपने अल्फाज में वह फोर्स नहीं ला सका था जिस तरह कि आनरेबुल मिनिस्टर ने वहां पर फरमाया था और डिप्टी चेअरमैन ने जिस तरह से उसको समझा था .....

उपाध्यक्ष महोदय : वहां की कार्यवाही को करना हमारे रूल्स के वरखिलाफ होगा । एक मेम्बर ने क्या कहा और दूसरे मेम्बर ने क्या कहा, उस सब का रेफ़ेंस यहां डिटेल में देना वहां की कार्यवाही को कोट करना होगा जो कि हमारे रूल्स को औफेंड करता है ।

पंडित ठाकुर दास भार्गव : मेरी नाकिस राय यह है कि मैं ने रूल्स को बिलकुल औफेंड नहीं किया । मैं उनको स्पीच को बतौर कोटेशन कोट नहीं करता । यह आर्गुमेंट था और यह जवाब दिया गया इस वास्ते इसे कोट करना नहीं माना जायगा । वहां पर मिनिस्टर महोदय ने फरमाया था :

"I am prepared to delete this; this will become meaningless."

यह कोई मानी नहीं रखता । मैं न तो उन्हीं मंत्री महोदय के अल्फाज को यहां पर कहा है ....

उपाध्यक्ष महोदय : डिप्टी चेअरमैन ने क्या कहा या किन्हीं मेम्बर साहब ने क्या कहा, यह चीज कोट करना मना है और इसी और मैं ने आनरेबुल मेम्बर की तवज्जह दिलाई थी ।

पंडित ठाकुर दास भार्गव : मैं अर्ज कर रहा था कि यह मैं ने माना कि इंटरनेशनल कन्वेंशन इस तरीके का है लेकिन मैं अदब से अर्ज करना चाहता हूं कि वह इंटरनेशनल कन्वेंशन जब रूल ३१ बना दिया तो उसके साथ रूल ३२ में वह मेल नहीं खाती । अगर किसी असली चीज के पब्लिकेशन की आप इजाजत दे सकते हैं तो उसके ट्रांसलेशन की इजाजत रोकना मेरी नाकिस राय में वाजिब और मुनाबिस नहीं है और न ही वह लाजिकल है । जहां तक इंटरनेशनल कन्वेंशन के फोलो करने का सवाल है जैसा कि मिनिस्टर साहब

ने फरमाया है तो मेरी अदब से गुजारिश यह है कि ऐसा करते वक्त यह भी देखना चाहिये कि यह लाजिकल है या नहीं । और वह दुरुस्त है और मानने के काबिल है भी या नहीं ।

जहां तक दफा ३१ का सवाल है पब्लिक को राइट है कि वह अपने पब्लिक राइट से महरूम न हो जाय और इसलिये पब्लिक इंटरेस्ट में यह दफा नहीं है और इसलिये मुनासिब नहीं है । मैं आनरेबुल मिनिस्टर की खिदमत में अर्ज करूंगा कि उन्हें इस अमेंडमेंट पर राजी हो जाना चाहिय बल्कि खुद अमेंडमेंट करना चाहिये ।

उसके आगे जनाब वाला मुलाहिजा फरमायें । मैं खुश हूं कि इंटरनेशनल कोपीराइट के बारे में बिलकुल ठीक रवैय्या अख्तयार किया और रिसीप्रोसीटि के प्रिंसिपल्स को देखा गया ।

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इस के अन्दर एक सेक्शन ६० है जिस की तरफ मैं थोड़ी सी तवज्जह दिलाना चाहता हूं : बजाय इस के कि आथर कापीराइट का ओनर मुद्दई हो कर आये, वह रेसपोंडन्ट बनता है । दफा ६० की शक्ल कुछ ऐसी बनी कि मानो यह किसी ऐसी जगह का कानून है जहां पर जो कापीराइट के ओनर्स हैं वह कुछ थ्रेटेनिंग ऐटिट्यूड अख्तयार करते हैं, वह धमकाते हैं दूसरों को कि अगर तुमने ऐसा कुछ किया तो हम तुम पर मुकद्दमा कर देंगे, यह कर देंगे, वह कर देंगे, तो ऐसे शख्स को, दि आब्जेक्ट्स आफ दोज थ्रेट्स को, कुछ राइट दिया गया है । ओनर आफ दी कापीराइट को अख्त्यार दिया गया है कि अगर उसके राइट्स का इंफिजमेंट होता है, वह कटेम्प्लेटेड हो, ऐप्रिहेंडेड हो, तो वह इंजेक्शन का दावा करे, यह तो अलग चीज है, यहां पर दूसरी शक्ल है कि अगर कोई शख्स ओनर आफ दि कापीराइट को थ्रेट दे कि हम तुम पर दावा करेंगे, तो एक थर्ड पर्सन को खास तौर पर राइट दिया गया है, उस थ्रेट से बचने के वास्ते । मेरे ख्याल में यह किसी और जगह के लिये जरुरी हो सकता है, लेकिन हिन्दुस्तान के अन्दर अगर कोई मजलूम रहता है तो वह ओनर आफ दि कापीराइट है, उस के ऊपर हजारों जुल्म होते हैं । लोग किताब छापते हैं, थोड़े से अल्फाज में फर्क डाला कुछ पैराज में फर्क डाला, चैप्टर कुछ दूसरे कर के, दूसरे लोग उसे रिप्रोड्यूस कर लेते हैं, यहां तक तो वह ठीक रहता है । लेकिन यह चीज एक ऐसे मुल्क से इम्पोरटिड है जहां पर हालात दूसरे हैं । वहां पर राइट दिया कि मुद्दई मुद्दालय बन कर फैसला करा ले । यह तो हमारे यहां इम्पोर्टेशन है, स्ट्रेन्ज इम्पोर्टेशन है ।

इन हालात में मैं अर्ज करूंगा कि जहां तक इस कापीराइट बिल का सवाल है, मैं खुश हूं कि हमारी सरकार ने और हमारी ज्वायंट कमेटी ने, हमारी मिनिस्ट्री ने मेहनत कर के यह हुकूक देने की कोशिश की है । जैसा मेरे दोस्त श्री शर्मा ने फरमाया, इस बिल पर और अमेंडमेंट आयेंगे, लेकिन यह एक आउतु वर्क है, स्पेतु वर्क है, जिस पर हम आगे बढ़ेंगे । अब तक हम विलायत के सन् १९११ के ऐक्ट पर अमल करते चले आ रहे थे । अब हम उस झंझट से निकाल कर इस को एक बेसिस पर लाये हैं । अगर आइन्दा कोई अमडमट होगा तो इस कानून का होगा । यह एक बड़ी भारी सर्विस है जिसे मैं ऐप्रिशिएट करता हूं, और मैं मुबारकबाद देता हूं कि ज्वायंट कमेटी और गवर्नमट को कि उस ने हमारे सामने एक ऐसा खूबसूरत अमेंडमेंट इस बिल की शकल में पेश किया है । इस में कई जगहें एसी हैं जिस में आगे चल कर अमेंडमेंट हो सकता है, लेकिन उन्होंने हमें एक झगड़े से, जंगल से निकाल कर हमारे सामने एक खूबसूरत चीज पेश कर दी है, इसके लिये मैं उन का निहायत शुक्रगुजार हूं ।

Shri Pattabhi Raman (Kumbakonam): Sir, I wish briefly to refer to certain aspects of the copyright Act in view of the observations of my hon. friend Mr. Sharma and others.

The Act that was in force was the 1914 Indian Copyright Act, which was more or less linked to the Copyright Act of 1911 of England. Under the then law the Indian Copyright Act was related to the English Copyright Act, as could be seen from the number of expressions like 'His Majesty's Dominions', 'Executive Committee of the Council', 'the Crown' and all that. And finally the reference to His Majesty, under section 29 of the U.K. Act, providing for all the proclamations, made it incumbent on our having a separate Act. And we had, as was pointed out by Mr. Masani, to ratify the Berne Convention and the revised Brussels and Universal Copyrights Conventions. Hence the necessity for the Copyright Bill.

This Copyright Bill, as now brought before the House after its passage in the Rajya Sabha, if I may say so, is highly commendable. I will confine myself only to one or two remarks with regard to the translation aspect of it. But before I do so, it might be interesting for the House to know that under clause 20 of the Copyright Bill as it was placed before the Rajya Sabha, they proposed to fix a limit of 25 years for republication as well as for translation. Thereafter the Bill went before the Joint Committee, who after hearing representations from the affected people and after mature deliberation reverted to the existing period of fifty years for reproduction and ten years for translation. Then, in the Rajya Sabha the translation period was also raised to fifty years; that is to say, it was made coeval. The right of republication and the right of translation were both raised to fifty years. Of course, there was a provision for a licence in the case of works withheld from the public, referred to by my hon. friend Pandit Thakur Das Bhargava, under clause 31. If there is a refusal to publish, or rather for the republication of the work, or if it is withheld without any sufficient reason, it is always open to the pulic to go to the Board and apply for licence.

As it then stood, the Joint Committee gave many reasons for keeping the period at ten years so far as translation is concerned. They referred to the various languages that are prevalent in India and how it was very necessary for important works to be translated and to be made available to the public, or, in other words, for important works to be thrown into the public domain, say, within ten years after its publication. That, I personally think, is too low a period. I am wondering whether it would not be possible to strike a medium between fifty as now passed by the Rajya Sabha and ten as recommended by the Joint Committee and confine it to a period of twenty-five years.

I am suggesting this for this purposes. Suppose a person who is alive after the publication of his book keeps quite for a period of ten, fifteen or twenty years without getting it translated—not that it is incumbent on him to translate it—but suppose he keeps quite. It should be open to another person to seek out the work, and to get it translated into other languages. After all, we have so many languages in India, and it may be very important for these works to be translated into other languages, without the translator having to go before the Board and going through the cumbersome process of getting a licence. If a period of twenty-five years is given for translation, I thought it would suffice. I have nothing more to say with reference to translation.

Some reference was made to the socialistic pattern of society and the author's rights. On that I wish to say that it is not an unearned income. The author works very hard to get the income. He may write only one book actually and where technical

books are concerned, he may live to see only one book published. The Income-tax law gives some concessions to authors of books. It is not as if it is a rule of thumb—taxation being made on the income of the first edition. Even that law envisages some sort of a concession to authors of books. And in Russia, my hon. friend will not be surprised to know that the people who live in great comfort, perhaps much more comfort than the ordinary people, are the authors and scientists and people who bring out books and treatises and brochures and publications. Therefore, to bring in the question of the socialistic pattern of society against the provision that for fifty years the properties should ensure in the author, is missing the point. After all, if a man who is a lawyer or a doctor can earn and get the benefit of that earned income, the author deserves it much more; because it means many hours spent by the candle light and work at all hours of the day. And it may even be that the author may not be able to see the worth of his work appreciated in his lifetime. Such being the case it is but meet and proper that his family and children, who depend on him should benefit by the work.

Therefore, confining myself only to the aspect of translation, I would commend this Bill for the acceptance of the House.

श्री ब्रजराज सिंह (फिरोजाबाद) : उपाध्यक्ष महोदय, यह जो कापीराइट बिल मिनिस्टर महोदय ने सदन के सम्मुख रक्खा है, उस का मैं सम्मिश्रित भावना के साथ आदर करता हूं । यदि इस तरह का कानून पहले रहा होता तो कम से कम हिन्दी भाषा के सम्बन्ध में मैं कह सकता हूं कि प्रेम चन्द जैसे उपन्यासकार की संतति, उन के बच्चे कुछ समय तक भूखे न रहे होते । इस तरह से इस बिल का बहुत ही अच्छा भविष्य होगा और इस से हमारे लेखकों और दूसरे निर्माण कर्ताओं का बहुत ही लाभ हो सकता है। लेकिन इस के साथ ही साथ इस में कुछ इस तरह की धारायें हैं जिन में कुछ सुधार की आवश्यकता है, कुछ संशोधनों की आवश्यकता है, । खास तौर से मैं सरकार का ध्यान धारा १६ की तरफ दिलाना चाहूंगा । धारा १६ में कहा गया है :

"No assignment of the copyright in any work shall be valid unless it is in writing signed by the assignor or by his duly authorised agent."

जहां तक एसाइनमेंट का सवाल है, यह ठीक है कि वह राईटिंग में हो लेकिन सिर्फ राईटिंग में होना ही काफी नहीं है, उसकी रजिस्ट्री भी होनी चाहिये । जहां तक दूसरी जायदादों के क्रय विक्रय का सवाल है वह भी रजिस्ट्री द्वारा होता है । ऐसा हो सकता है कि किसी वक्त कोई लेखक बहुत मुसीबत में हो और इस वजह से उसके निर्माण कार्य के अधिकार की कोई पैसे वाला बहुत ही कम पैसा दे कर खरीद ले । तो इसकी रक्षा के लिये यह आवश्यक है कि एसाइनमेंट सिर्फ लिखित ही न हो बल्कि उसकी रजिस्ट्री भी होनी चाहिये । यदि यह संशोधन मान लिया जाये तो जिस उद्देश्य से यह बिल रखा गया है वह उद्देश्य अधिक पूरा हो सकेगा ।

यहां पर कुछ मित्रों ने ऐसी बात कही जो कि कुछ प्रतिक्रियावादी सी मालूम होती है । उनका कहना है कि जनहित में यह जो पचास साल का समय रखा गया है वह ज्यादा है। लेकिन मैं निवेदन करना चाहूंगा कि इस अधिकार को पचास साल तक रखने के लिये दृष्टिकोण ही दूसरा है । जो निर्माण करते हैं, चाहे वे कवि हों, लेखक हों या कलाकार हों, वे पूंजीपति किस्म के आदमी नहीं होते । वे तो ऐसे लोग हैं कि जिनको मजदूर कहा जा सकता है, कोई कलम का मजदूर है, कोई मस्तिष्क का मजदूर है और कोई दूसरे प्रकार का मजदूर है । यह कहना कि उनको जो

[श्री ब्रजराज सिंह]

पचास साल के लिये कापीराइट दिया जाता है यह जनहित में नहीं होगा, मैं समझता हूं कि यह गलत दृष्टिकोण है ।

सरमायदारी प्रथा के अनुसार यह बात अच्छी लग सकती है कि यह बात जनहित में नहीं है कि यह अधिकार पचास साल के लिये दिया जाये, लेकिन यह भी तो देखना पड़ेगा कि यह अधिकार क्यों रखा जा रहा है । यह अधिकार उसको दिया जा रहा है जो पूंजीपति नहीं है बल्कि जो मजदूर तबके से आता है । मैं समझता हूं कि यह जो पचास साल का समय रखा गया है इसे किसी तरह भी कम नहीं किया जाना चाहिये । लेकिन इसके साथ साथ मैं निवेदन करना चाहूंगा कि धारा २८ में यह लिखा है :–

"In the case of a Government work, where Government is the first owner of the copyright therein, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published."

जहां गवर्नमेंट स्वामी है वहां पर इस मियाद को कम किया जा सकता है और दस या बीस साल तक भी किया जा सकता है । इस मियाद को कम कर दिया जाये तो यह जनहित में होगा ।

इसी तरह से धारा २९ में दिया गया है : —

"In the case of a work of an international organisation to which the provisions of section 41 apply, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published."

अगर किसी अन्तर्राष्ट्रीय कानून के अनुसार हम इस मियाद को कम नहीं करते हैं तब तो दूसरी बात है,पर यदि कोई अन्तर्राष्ट्रीय कानन की बाधा न हो तो इसको भी कम कर दिया जाना चाहिये और ऐसा करना जनहित में होगा । ऐसा करने से जनहित की भावना और भी प्रबलतर हो जायेगी ।

एक मित्र ने इसी सिलसिले में कहा है कि धारा ३१ में से निम्न लिखित शब्द निकाल दिये जायें :—

"....the Copyright Board, after giving to the owner of the Copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may, if it is satisfied that the grounds for such refusal are not reasonable, direct the Registrar...."

मैं समझता हूं कि इन शब्दों को हटाना जनहित में नहीं होगा : मैं समझता हूं कि इन शब्दों का रहना इस बिल की भावना की रक्षा के लिये बहुत आवश्यक है । इस बिल का उद्देश्य यह मालूम होता है कि जो लेखक हैं या कवि हैं और जो समाज को नई चीज देते हैं उनकी इन चीजों की रक्षा की जानी चाहिये । तो यह कहना कि इन चीजों को जनहित में जबरदस्ती ले लिया जाये, यह उचित नहीं होगा । यह कहना कि इन शब्दों को निकाल दिया जाये उसी दृष्टिकोण का पोषक है कि एक कवि, लेखक या कलाकार भी एक सरमायेदार की तरह ही उत्पादन करता है । परन्तु वास्तव में वह पूंजीपति नहीं है । इस बिल का दृष्टिकोण यह है कि वह व्यक्ति पैसा लगाकर कुछ पैदा नहीं करता बल्कि अपना मस्तिष्क या कलम लगाकर कुछ पैदा करता है । इसलिये इन शब्दों का रहना इस बिल की भावना की रक्षा के लिये आवश्यक है । मैं समझता हूं कि इन शब्दों को इसमें से नहीं हटाया जाना चाहिये । जहां मैं इस बिल की भावनाओं का आदर करता हूं वहां मैं अपने मित्र

श्री डी० सी० शर्मा की इस राय का स्वागत करता हूं कि इस कानून को नौकरशाही द्वारा कार्यान्वित नहीं कराया जाना चाहिये। इसके लिये बोर्ड आदि बनाने की मैं आवश्यकता नहीं समझता। इसको कार्यान्वित करने का काम हम विभिन्न प्रदेशों के हाईकोर्टों पर छोड़ दें तो मैं समझता हूं कि काम चल सकता है और बोर्ड आदि बनाने की आवश्यकता नहीं है।

साथ ही जो लेखक या कवि या कलाकार समाचारपत्रों में, दूसरी फर्मों में या संस्थाओं में वेतन पर काम करते हैं उनकी कृति का भी समाचार पत्र या फर्म या संस्था को स्वामी बना देना, मैं समझता हूं कि कलाकार के साथ उचित न्याय करना नहीं होगा। मैं समझता हूं कि इस बिल के द्वारा मिनिस्टर महोदय का यह उद्देश्य है कि लेखकों और कवियों आदि को अधिक से अधिक फायदा पहुंचाये। इस बिल की भावनाओं की उचित रूप से रक्षा तभी हो सकती है जब कि उसका प्रथम स्वामी हम समाचारपत्र, फर्म या संस्था को न बना कर लेखक, कवि या कलाकार को ही बनावें।

इन शब्दों के साथ मैं इस बिल का सम्मिश्रित भावना के साथ स्वागत करता हूं और आशा करता हूं कि मंत्री महोदय इन संशोधनों को स्वीकार कर लेंगे।

Mr. Deputy-Speaker: I have to inform the House that the recommendation of the President under Article 117(3) of the Constitution for the consideration of the Copyright Bill, 1957 by Lok Sabha has been received. This is the communication.

"The President, having been informed of the subject matter of the Copyright Bill, 1957, as passed by the Rajya Sabha, recommends, under Article 117(3) of the Constitution, the consideration of the said Bill by the Lok Sabha."

Dr. K. L. Shrimali: I am very grateful to hon. Members for the general welcome they have given to this measure. As they said, Government have given very serious thought to this particular measure because, the releasing of creative energy in our country.....

Shri Narasimhan (Krishnagiri): Just on a point of order—I do not want to disturb—for the sake of strict procedure, are we to understand that this Bill was discussed by the Rajya Sabha without the President's recommendation?

Mr. Deputy-Speaker: No. That was a different recommendation by the President for consideration by the Rajya Sabha. Another is required for this House. That is what we have received.

Dr. K. L. Shrimali: I was saying that this Bill is of great significance because on the successful operation of this Bill will depend the measure of our success in protecting the rights of the authors, poets, painters, musicians, composers and various other persons who are engaged in creative work. It is very important to protect their rights because these are the people who raise the general intellectual and cultural standards of our society. I am personally very happy that the House as a whole has given general welcome to the changes that have been made by the Joint Committee and the Rajya Sabha. I shall now deal with some of the important points which have been raised by Members.

15·42 hrs.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

The question was raised with regard to the terms of the copyright. That is a very controversial question, and it involves philosophical implications. Originally, as the House is aware, we did want to keep this period only for 25 years after the death of the author. I have explained to the House the reasons why, after hearing the arguments of the authors and the various

[Dr. K. L. Shrimali]

persons who are working in the field Government changed their mind. It is true that we are living in a socialist society and there must be restriction on the rights of property, whatever the property may be. And nobody will dispute or deny that copyright is a kind of property. That is accepted. But the point is we have to take into account the actual conditions under which authors are working. Are they in a position to engage themselves in creative activity and bear these restrictions at the same time? Can anybody be engaged in creative activity if all the time he is worried whether he is going to get his bread tomorrow or not and what is going to happen to his children? Authors are also human beings. They have also natural urges, they are also moved by natural instincts. They must also preserve themselves and preserve their families. For the majority of the authors, the only source of income is their writing. Therefore, I do not think we should grudge having extended this period to 50 years. As I said, originally my own view was that this should be restricted to 25 years, but I saw the force of the argument advanced by my friend Shri Masani and various organisations of authors who were interviewed by the Joint Committee.

There was another advantage in accepting the period of 50 years. As my friend, Shri Masani, has pointed out, we will fall in line with most of the countries which are signatories to the Berne Convention. If we keep 25 years and continue to remain signatories to the Berne Convention, it would mean making a discrimination against our own authors. We will, of course, have to give protection to foreign authors for a period of 50 years, but for our own authors the period would be reduced to 25 years and that would work against the interests of the authors in this country. Therefore, I hope the House would agree to this change that has been made. It will work in the general interests of the authors.

Another question has been raised with regard to the relationship between the authors and employers, and it has been said by hon. Members that the Bill is partial to employers, that it gives greater rights to the employers and denies fundamental rights to the authors. If I have to choose between the author and the employer, my sympathies are with the author; if I have to choose between the composer and the gramophone company, my sympathies are with the composer; if I have to choose between the author and the publisher, my sympathies are with the author. But we must remember the basic fact that they are interdependent. Unless we keep this in view, we shall be doing great harm to the authors themselves, to the people engaged in creative work. The author does not work in a vacuum. He has to depend on a publisher. He has sometimes to work with an employer. And after all, the law must have a moral basis. If the author is employed and during the course of his employment he writes an article and if the proprietor owns the copyright, I do not see any injustice in it. The author is already being paid for that work. Of course, if he wants to bring out a book, that is a different thing. These are questions where clash of interests comes—author *vs.* employer author *vs.* publisher etc. And we have to attempt to strike a balance between these varying conflicting interests. The main purpose of this Bill is to guard the interests of the author, but we cannot ignore all those agencies, publishers, employers and other companies which help these authors economically and otherwise in continuing their work of creation. My plea is that we should not do anything which may seem to be in the interests of the author but which will ultimately destroy the rights of the authors themselves. After all, the employer has some interest in engaging the author. He also gives some remuneration to the author. Why should he be denied his right? We have to see these various factors which are interdependent in judging this measure.

My friend Shri D. C. Sharma has pointed out that the Bill is full of verbosity. I know that it is a very long Bill and sometimes very tiring, but we had to take into account the various factors which are inter-related with regard to creative activities. I shall be very happy if he could point out how we can make it less verbose. I can only assure the House that I shall only be too happy to amend the Bill, when the opportunity arises, and I feel that the Bill needs some amendment. After all, we always learn by experience, and in this particular measure, I am most anxious that the creative genius must be protected. If we find at any stage that it is working against the interests of the creative genius, I shall come forward with an amendment, and I shall request the House to make the necessary changes.

A question has been raised with regard to the licensing of translation. It is true that in the original Bill, since the term of the copyright was 25 years, the translation was coterminous. The Joint Committee made it ten years, and suggested that after a period of ten years, the work would go into public domain. There was a good deal of criticism over this, and I found that there was some force in this criticism. By taking the work into public domain after a period of ten years, the author was completely denied of the right of all royalties and compensations. It is true that in our country we should not allow the authors to create barriers in the path of communication of thoughts and ideas. That would be wrong, particularly in our country, where we have so many languages.

In order that we might go into an integrated community, this kind of social intercourse through interchange and flow of ideas must continue regularly. It would be a great mistake if any author were allowed to say 'Since I am the author, this book could not be translated'. So, we have made provision for compulsory licence. That is necessary in the interests of the public. That is necessary also in the interests of our society. But, at the same time, let the author have his compensation and royalties. It was with that view that we made that provision.

Sir, you yourself had drawn my attention to some points. But I do wish to submit that in this measure we have attempted to bring the provisions in line with the Berne Convention and the Universal Copyright Convention. Of course, wherever the situation needed some special changes, we did make those changes. But our main aim has been to bring this measure in line with the Berne Convention and the Universal Copyright Convention. We need social intercourse and communication of ideas between one part of the country and another in our own country, but we also need, for the sake of world peace, free flow of ideas and exchange of thoughts between one country and another, for communication of thought must continue if world peace has to be established.

So, we have to look at this measure with that broad perspective. My submission is that by making these changes and by making these amendments we have brought this in line with the Berne Convention and the Universal Copyright Convention.

I hope that the House will accept this Bill.

Mr. Chairman: The question is:

> "That the Bill to amend and consolidate the law relating to copyright, as passed by Rajya Sabha, be taken into consideration.".

The motion was adopted.

Mr. Chairman: We shall now take up the clauses. Only one amendment has been tabled so far, and that is to clause 65. There is no amendment to any of the other clauses. So, I shall

[Mr. Chairman]

put clause 2 to 64 first to the vote of the House.

The question is:

"That clauses 2 to 64 stand part of the Bill".

The motion was adopted.

Clauses 2 to 64 were added to the Bill

Mr. Chairman: Now, I come to clause 65. There is an amendment to this clause, tabled by Shri Goray. But the hon. Member is not present in the House.

The question is:

"That clause 65 stand part of the Bill".

The motion was adopted.

Clause 65 was added to the Bill.

Clauses 66 to 79 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Dr. K. L. Shrimali: I would like to express my heartful gratitude to the House and to the Members who worked with me in the Joint Committee in preparing this measure. I am very grateful to the House for the co-operation and the warm welcome it has offered to us.

I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Chairman: The House will now stand adjourned and meet again at 11 a.m. tomorrow.

Shri S. M. Banerjee: What about the Central Sales Tax (Amendment) Bill?

Mr. Chairman: That will be coming up tomorrow.

15:58 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 28th May, 1957.

DAILY DIGEST

[*Monday, 27th May, 1957*]

COLUMNS

ORAL ANSWERS TO QUESTIONS . . . . 2043—82

S.Q.No. *Subject*,

375 Cotton shortage . . 2043—44
376 Nuclear tools . . . 2044—47
377 Jute Mills in Bihar . . 2047-48
378 Compensation to Displaced Persons . . . 2048—50
379 Eisenhower Plan . . 2051—52
381 Glass Industry . . . 2053—55
382 Training of Indian Scientists . . . . 2055—56
383 Deveplopment of Heavy Industries in Uttar Pradesh 2056—59
384 Lambretta Scooters . . 2059
412 Auto-Bicycle . . . 2059—61
385 Industrial Estates in West Bengal . . . . 2061—63
386 Military Mission in Nepal 2063—64
387 Nuclear tests . . . 2065—66
388 Improvement of Malnad Area . . . . 2066—67
389 N.E.F.A. . . . . 2067—69
390 Design for Charkha . . 2069—70
391 Research in Nuclear science 2070—7 ↖
392 Middle Class Family Budget Survey . . 2071—74
393 Illegal entry of Pakistanis 2074—76
394 Cashew Processing Industry 2 076—7
395 Kosa (Tusser) Industry 2079—80

S.N.Q. No.

. 7 Integrated Heavy Machine Building Plant 2080—82

WRITTEN ANSWERS TO QUESTIONS . . 2082—2123

S.Q. No.

396 Catholic Syrian Bank. . 2082
397 All India Handloom Board 2082—83
398 Pondicherry Municipality . 2083
399 Trade with Afghanistan 2083—84
400 N.E.F.A. 2084
401 Textile Wage Board . 2084—85

COLUMNS

S.Q. No. *Subject*

403 Low Income Group Housing Scheme . . 2085
404 All India Handloom Board 2085—86
405 Electric Motors, Starters and Switches . . 2086
406 N.E.F.A. . . . 2087
407 Trivandrum Rubber Factory 2087
408 Finance Corporation for Handloom Industry . 2087—88
409 Recruitment of Tea-garden Labour . . . 2088
410 Displaced Persons from East Pakistan . . 2088—89
413 Export of Coir Product 2089
414 Wage Board for Cotton Textiles . . . 2090
415 Export of Manganese and Iron Ores . . . 2090—91
416 Local Development Works in States . . . 2091
417 Forward Trading in Jute and Jute-goods . . 2091—92
418 Wage Board for Industries 2092
419 Research Programme Committee . . . 2092—93
420 Agricultural Production . 2093
421 Indian Troops in U.N.E.F. 2094
422 Private Mines, Coffee and Tea Estates . . . 2094—95
423 Machinery for Textile Industry . 2095
424 Cement Factories . . 2096
425 N.E.F.A. . . . 2096—97
426 Nevada Atomic Test . 2097
427 Dyeing and Printing Houses 2097—98
428 National Discipline Scheme 2098
429 A.I.R. at Cuttack . . 2099
430 Coir-Board . . . 2099
431 Kanpur Cotton Mills . 2099—2100
432 State-Trading Corporation 2100
433 Small Industries Service Institutes . . . 2101
434 Local Development Works 2101
435 Closure of Jute Mills . 2102

COLUMNS

U.S.Q.No.	Subject	
241	Camp Colonies in West Bangal	2102
242	Textile Mills	2103
243	Handloom Cess Fund	2103
244	Licensing of Looms and Spindles	2103—04
245	Low Income Group Housing Shceme	2104—05
246	Ambar Charkha Programme	2105—06
247	Educated Unemployed	2106
248	Industrial Development of Madras	2107
249	Coal Mine Workers	2107
250	Workers of Iron and Steel Industry	2107—08
251	High Tension (Porcelain) Insulators	2108
252	Chemical Industries	2108—10
253	Heavy Chemicals	2110
254	Workers of Heavy Chemicals Industries	2110—11
255	Motor Vehicles	2111—12
256	Workers in Motor Vehicles Industry	2112
257	Jute Industry	2113
258	Workers in Auto industry	2113
259	Trade with Yugoslavia	2113
260	Pilgrims from Pakistan	2114
261	N.E.F.A.	2114
262	Pakistan Violation of Indian Territory	2115
263	Border Raids	2115—16
264	Slums Clearance in Punjab	2116
265	Industrial Housing	2116—17
266	Slum Improvement and Housing Schemes	2117
267	Copper Mine Labourers	2118
268	Arecenut	2119
269	Enemy Property	2119
270	Umemploymnt in Orissa	2119—20
271	Low Income Group Housing Scheme	2120
272	Co-oprative Textile Mills	2120—21
273	Employment Exchanges in India	2121
274	Employment Exchanges, Orissa	2121
275	Khadi Gramodyog Bhavan New Delhi	2122
276	Allotment of Quatrers to Government Employees	2122—23

COLUMNS

PAPERS LAID ON THE TABLE 2123—25

The following papers were laid on the Table :

(1) A copy of each of the following papers under Article 161 (1) of the Constitution—

(*i*) Appropriation Accounts (Civil) 1954-55 (including proforma commercial accounts) and the Audit Report 1956—Part II.

(*ii*) Audit Report (Posts and Telegraphs) 1957-Part I.

(2) A copy of the Notification No. S.R.O. 1268, dated the 20th April, 1957, and sub-section (2),of Section 20-A of the Press and Registration of Books Act, 1867, making certain amendment to the Registration of Newspapers (Central) Rules, 1956.

(3) A copy of the Report of the Indian Government Delegation to the 39th Session of the International Labour Conference held at Geneva in June, 1956.

(4) A copy of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules,1957, under sub-section(3) of Section 20 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.

(5) A copy of each of the following Notifications under sub-section (4) of Section 43-B of the Sea Customs Act, 1887, as inserted by the Sea Customs (Amendment) Act, 1954 :—

(*i*) Notification No. S.R.O. 1298, dated the 27th April, 1957.

(*ii*) Notification No. S.R.O. 1299, dated the 27th April, 1957 containing Customs Duties Drawback (Pipe and Cigarette Tobacco Rules, 1957.

MESSAGE FROM RAJYA SABHA 2125

Secretary reported a message from Rajya Sabha that Rajya Sabha had no recommendations to make to Lok Sabha in regard to the Provisional Collection of Taxes (Temporary Amendment) Bill, 1957, passed by Lok Sabha on the 20th May, 1957.

ARREST OF A MEMBER . 2125

The Speaker informed Lok Sabha that he had received a telegram from the Additional District Magistrate intimating the arrest of Shri Jagdish Awasthi in connection with defying the prohibitory order on 9th May, 1957.

COLUMNS

STATEMENT BY MINISTER 2125—29

The Minister of Health (Shri Karmarkar) made a statement regarding the death of seven persons at the Coronation Pillar Sewage Treatment Plant, Delhi, on the 25th May, 1957.

BILLS PASSED . . . 2129—2222

(1) The Minister of Finance (Shri T.T. Krishnamachari) moved for consideration of the Reserve Bank of India (Amendment) Bill. The motion was adopted. After the clause by clause consideration, the Bill was passed.

(2) The Minister of Finance (Shri T.T. Krishnamachari) moved for consideration of the State Bank of India (Amendment) Bill. The motion was adopted. The clause by clause consideration, the Bill was passed as amended.

(3) The Minister of State in the Ministry of Education and Scientific Research (Dr. K.L. Shrimali) moved for consideration of the Copyright Bill, as passed by Rajya Sabha. The motion was adopted. After the clause by-clause consideration the Bill was passed.

DEMANDS FOR EXCESS GRANTS, 1953-54 . . . . 2139—48

Demands for Excess Grants, for 1953-54 were discussed and the Demands were voted in full.

BILLL UNDER CONSIDERATION 2148—66

The Minister of Finance (Shri T.T. Krishnamachari) moved for consideration of the Central Sales Tax (Amendment) Bill. The motion was adopted. Clause-by-clause consideration was taken up and was not concluded.

AGENDA FOR TUESDAY, 28TH MAY, 1957—

Consideration and passing of the Appropriation (No. 3) Bill, 1957 and General Discussion.